

\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 1844/2020

PANKAJ

..... Petitioner

Through: Mr.Ujjwal Puri and Ms.Sonam Dixit,
Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Kewal Singh Ahuja , APP for
State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

01.09.2020

(Hearing through Video Conferencing)

The applicant vide the present petition seeks the grant of interim bail for a period of 45 days in terms of the Minutes of the Meeting dated 18.5.2020 of the Hon'ble High Powered Committee of this Court submitting to the effect that the applicant has been incarcerated since 14.4.2014 and that the co-accused in the case in relation to FIR No.264/12, Police Station Alipur, under Section 302/363/201/34 of the Indian Penal Code, 1860 has been released on interim bail.

On behalf of the State the application is vehemently opposed submitting to the effect that the co-accused in the instant case was suffering from depression and attempted to commit suicide and that is the reason vide which he was granted interim bail vide order dated 28.7.2020. In terms of order dated 28.7.2020 in relation to Bail Appln.

Signature
Not Verified

Digitally Signed
By: SUMIT CHAI
Signing
Date: 02.09.2020
17:01:16
This file is
digitally signed by
PS to HMJ ANU
MALHOTRA.

No. 1095/2020, with submissions having also been made on behalf of the State through the status report along with the copy of the order dated 6.7.2020. It has also been submitted on behalf of the State that the allegations levelled against the applicant inter alia were relating to the alleged commission of offences punishable under Sections 363 of the Indian Penal Code, 1860 which does not fall within the ambit of Minutes of the Meeting dated 18.5.2020 of the High Power Committee of this Court and that the evidence that has been collected during investigation as spelt out through the status report relates to the recovery of school uniform of the minor child at the behest of the applicant, skeleton including skull and 103 bones of victim were also recovered at the pointing of the applicant, the applicant having been last seen with the deceased on 14.8.2012 and the applicant carrying the deceased on his motorcycle, five toy cars which the deceased had in his bag when he left for school on 14.8.2012 were also allegedly recovered from the house of the applicant on the identification of the complainant and that the Motorcycle on which the applicant carried the deceased was also recovered from him. Learned counsel for the applicant submits that the said status report itself indicates that there was a recovery of the school bag of the deceased on the identification of the complainant Ram Kumar Sharma, the jewellery taken by the co-accused from the deceased was also recovered at the behest of the co-accused and the school uniform which the deceased was wearing was also pointed out by the co-accused Kishore and that the skull and skeleton including 103 bones was also recovered at the pointing out of the co-accused who has been released on interim bail in terms of order

Signature
Not Verified

Digitally Signed
By: SUMIT CHAI
Signing
Date: 02.09.2020
17:01:16
This file is
digitally signed by
PS to HMJ ANU
MALHOTRA.

dated 28.7.2020.

On a consideration of the submissions that have been made on behalf of either side, it is observed that it has rightly been submitted on behalf of the State that the offence punishable under Section 363 of the Indian Penal Code, 1860 does not fall within the ambit of Minutes of the Meeting of the Hon'ble High Powered Committee of this Court dated 18.5.2020 for consideration for the grant of interim bail.

Further more, as regards the incriminating evidence against the applicant and the co-accused Kishore since admitted on interim bail, are aspects of trial qua which no observations can be made by this Court. In as much as the proceedings in Bail Application No.1095/2020 indicate the ailment suffered by the co-accused and of his being in a state of depression and thus there cannot be any parity claimed by the applicant with the co-accused Kishore.

In the instant case, the Nominal Roll that has been received from the Superintendent Jail No.10, Rohini, Delhi, mentions the punishment awarded to the applicant on 21.5.2019 and the report from the Superintendent Central Jail No. 10, Rohini specifies that the conduct of the applicant is unsatisfactory and reports of his having not responded on several announcements made from Control Room, as a consequence of which the Court production got delayed qua which learned counsel for the applicant submits that the applicant has been pursuing several courses in jail and has been studying, as a consequence of which studies till late night and got late and the same does not amount to misconduct.

Be that as it may, as observed herein above, the allegations levelled against the applicant are grave and there is no parity with the co-accused

Signature
Not Verified

Digitally Signed
By: SUMIT CHAI
Signing
Date: 02.08.2020
17:01:16
This file is
digitally signed by
PS to HMJ ANU
MALHOTRA.

Kishore suffering from mental depression and as an offence under Section 363 of the Indian Penal Code, 1860 does not fall within the ambit of the Minutes of the Meeting of Hon'ble High Powered Committee of this Court dated 18.5.2020 for consideration of grant of interim bail, in view thereof, there is no ground for interim bail.

The Bail Appln. No. 1844/2020 is thus declined.

ANU MALHOTRA, J

SEPTEMBER 01, 2020/SV

Signature
Not Verified

Digitally Signed
By: SUMIT CHAI
Signing
Date: 02.09.2020
17:01:16
This file is
digitally signed by
PS to HMJ ANU
MALHOTRA.