

via Video-conferencing

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPL. 1957/2020**

MANGLOO

..... Applicant

Through: Mr. Madhav Khurana, Adv.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Ms. Neelam Sharma, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **02.09.2020**

The applicant, who is an undertrial in case FIR No. 408/2012 dated 03.12.2012 registered under sections 302/324/394/201/411 IPC at P.S.: Punjabi Bagh, West Delhi, seeks interim bail based *inter-alia* upon the recommendations contained in Minutes of Meeting dated 18.05.2020 of the High Powered Committee appointed by the Delhi High Court in view of prevailing corona virus pandemic.

2. Notice in this application was issued on 29.07.2020.
3. Status report dated 30.08.2020 is stated to have been filed. It is however not on record. Ms. Neelam Sharma, learned APP for the State has forwarded a copy of the same *via* e-mail, which has been perused. Let the status report be placed on record.
4. Nominal roll dated 24.08.2020 has been received from the Jail Superintendent.

5. Mr. Madhav Khurana, learned counsel for the applicant submits that the status report confirms that the applicant was arrested on 26.12.2012; that charge-sheet has been filed; and that the trial is pending. It further confirms that the applicant has no other or previous criminal involvement.
6. Counsel further submits that the nominal roll also re-confirms that the applicant has been in custody for more than 7-1/2 years and that, although a prison punishment dated 04.07.2019 was awarded to him, it is seen that the punishment was for misconduct of the applicant trying to talk to his family members when he was being produced in court and misbehaving with the escort.
7. Counsel points-out however, that the applicant has been granted interim bail twice, from 23.11.2016 to 08.12.2016; and again from 21.06.2018 to 05.07.2018; and there is no allegation that he misused the liberty or that he did not surrender on time.
8. Ms. Neelam Sharma however opposes the grant of interim bail on the grounds that the offence alleged is heinous in nature and there is a likelihood of the applicant jumping bail.
9. Upon a conspectus of the facts and circumstances, it is clear *firstly*, that the applicant has been in judicial custody for more than 7-1/2 years; *secondly*, that though charge-sheet has been filed, it is unlikely that the trial will conclude anytime soon; *thirdly*, that apart from a minor mis-behaviour for which punishment was awarded by the prison authorities on 04.07.2019, there is no allegation of any other prison offence against the applicant; *fourthly*, that the applicant has availed and honoured the terms of the interim bail twice earlier;

fifthly, that the applicant has no other or previous criminal involvement; and *lastly*, that the applicant's case is squarely covered by the recommendations contained in Minutes of Meeting dated 18.05.2020 of the High Powered Committee appointed by the Delhi High Court relating to undertrials for the offence under section 302 IPC, who have spent more than 02 years in prison, with no other criminal case pending against them.

10. In view of the above, this court is persuaded to grant to the applicant *interim bail* for a period of 45 (forty-five) days from the date of his release, subject to the following conditions :
- a. The applicant shall furnish a personal bond in the sum of Rs.25,000/- with 01 local surety in the like amount, to the satisfaction of the Jail Superintendent ;
 - b. The applicant shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside in his place of residence as per prison records;
 - c. The applicant shall present himself before the Investigating Officer/S.H.O. P.S.: Punjabi Bagh every Monday between 11 am and 11:30 am to mark his presence. However, the applicant shall not be kept waiting at the police station for more than one hour for this purpose;
 - d. The applicant shall furnish to the Investigating Officer/SHO a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times ;
 - e. The applicant shall not contact nor visit nor offer any inducement, threat or promise to the first informant/complainant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge

in any act or omission that would prejudice the proceedings in the matter.

f. Upon expiry of the period of interim bail, the applicant shall duly surrender before the concerned Jail Superintendent.

11. Nothing in this order shall be construed as an expression on the merits of the pending matter.
12. The present bail application stands disposed of.
13. Other pending applications, if any, also stands disposed of.
14. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 02, 2020/uj