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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN No. 1955/2020**

BABLOO SINGH Appellant

Through: Mr.S.N.Shukla, Advocate

versus

STATE OF DELHI Respondent

Through: Mr.Ashok Kumar Garg, APP for State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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05.08.2020

(hearing through Video Conferencing)

The applicant vide the present bail application seeks the grant of interim bail for a period of 45 days in relation to FIR No.839/18 PS Nihal Vihar registered for the alleged commission of offences under Section 302 of the Indian Penal Code, 1860 and Sections 25/27/54/59 of the Arms Act, 1959. The applicant vide the present application submits to the effect that he is suffering from piles and has heavy pain in his shoulder and suffers from cervical as his shoulder is jammed. He is also facing difficulties in breathing and was examined in jail and due to the recent spread of Covid-19, he needs extra care and protection which is not possible in view of the gathering in the wards of the jail where the applicant is confined and he is not getting proper treatment in jail because of which the health of the petitioner is deteriorating day by day.

Notice of the application has been issued to the State and the status report was directed to be submitted with the medical report also called for from the Jail Superintendent, Central Jail No.3, Tihar, Delhi after getting the applicant examined at the Jail Dispensary.

The status report that has been submitted by the State is categorical in

relation to the allegations levelled against the applicant with it having been stated that the entire incident has been captured in CCTV installed at the place of the incident at B-60, Uday Vihar, Chander Vihar and the CCTV camera recording was analysed and certificate was also issued under Section 65 of the Indian Evidence Act as issued by the owner of the CCTV who had also identified the applicant who had fired the injured since deceased Paras Bhatia @ Sanam on 29.12.2018. Learned APP for the State has further submitted that the applicant could be arrested only after a reward of Rs.25,000/- for his arrest was put up. It has further been submitted on behalf of the State that the applicant does not fall within the category of accused persons allowed to be released on interim bail in terms of the minutes dated 18.05.2020 of the Hon'ble High Powered Committee of this Court in as much as the appellant is not yet incarcerated for a period of two years he being in custody only since 01.07.2019 and that furthermore, the applicant is also arrested in relation to the FIR No.484/2019 PS Bhiwani City Haryana under Section 25/54/59 of the Arms Act, 1959.

Be that as it may, the Ld. APP for the State fairly states that the medical status report that has been submitted by Dr.Akash Narade, Medical officer Incharge, Central Jail Hospital and Dispensary, Central Jail No.3, Tihar, Delhi dated 03.08.2020 as forwarded by Superintendent Central Jail No.3, Tihar, New Delhi has categorically stated to the effect that:

“At present, the inmate is a case of Recurrent Right Shoulder Dislocation, Pain at cervical and Lumbo-Sacral Spine with Radiculopathy and Internal Hemorrhoids Grade-3. He is suffering from pain in right shoulder, neck and lower back with pain radiating to both upper and lower limbs (radiculopathy), a persistent sensation of the right shoulder feeling loose and slipping in and out, inability to carry out daily routine activities due to the said ailment of right shoulder, pain and bleeding during defecation, mass coming out of anus during defecation, itching around anus, constipation, incomplete evacuation due to fear of

pain, difficulty in breathing and weakness. He is being provided symptomatic treatment from jail dispensary but his symptoms are persisting and no improvement is reported.”

The said status medical report received from the Superintendent Jail, Tihar, brings out that the applicant is in agony suffering presently from difficulty in breathing, weakness, inability to carry out daily routine defecation, mass coming out of anus during defecation, itching around anus, constipation, incomplete evacuation due to fear of pain and that he is suffering from pain in right shoulder, neck and lower back with pain radiating to both upper and lower limbs (radiculopathy), a persistent sensation of the right shoulder feeling loose and slipping in and out.

In these circumstances, it is apparent that though the applicant has been provided symptomatic treatment as informed by the Jail authorities, it is also specifically recorded that there is no improvement in his condition and symptoms are continuing. In the circumstances, the applicant is allowed to be released on bail for a period of 45 days from the date of his release on filing a bail bond in the sum of Rs.50,000/- with two sureties of the like amount with the directions:-

- he shall keep his mobile on at all times;
- he shall drop his location on the Google map so that his location is available to the Investigating Officer;
- he shall make no contact with the prosecution witnesses;
- he shall commit no offence whatsoever and in the event of his being involved in any other case and lodging of FIR or DD entry against him, the State shall bring the same to the notice of the Court forthwith.

The application is disposed of.

ANU MALHOTRA, J

AUGUST 5, 2020/sg