

via Video-conferencing

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPL. 1956/2020**

**KULDEEP SINGH
CHAUHAN**

.....Applicant/Petitioner
Through : **Mr. Atul Bansal, Advocate.**

versus

**STATE
(NCT OF DELHI)**

..... Respondent
Through : **Ms. Neelam Sharma, APP for
State.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 01.09.2020

The applicant, who is an undertrial in case FIR No. 260/2014 dated 12.04.2014 registered under sections 302/201 IPC at PS : Dabri, Delhi, seeks interim bail based on the recommendations made in Minutes of Meeting dated 18.05.2020 of the High Powered Committee appointed by the Delhi High Court.

2. Notice in this application was issued on 29.07.2020.

3. Status report is stated to have been filed on 01.09.2020. However the same is not on record. A copy of the status report dated 'nil' has been forwarded by Ms. Neelam Sharma, learned APP by e-mail. Let the status report be brought on record.

4. Nominal roll dated 28.08.2020 and medical status report dated 28.08.2020 have been received from the Jail Superintendent.

5. Mr. Atul Bansal, learned counsel appearing for the applicant submits that the applicant has been in judicial custody since 12.04.2014 i.e. for more than 06 years; that charge-sheet has already been filed; charges have been framed; and trial is pending. He submits however, that by reason of the restricted functioning of courts because of the prevailing coronavirus pandemic, trial is likely to take a long time.
6. As far as the applicant's medical condition is concerned, the medical status report, while reciting certain past illnesses and ailments which the applicant has suffered from time-to-time, records that the general condition of the inmate is stable and satisfactory and prescribed medications are being provided to the applicant from the jail dispensary.
7. The nominal roll records that the applicant's overall jail conduct is 'unsatisfactory'; with particulars of one punishment that was awarded on 13.02.2018.
8. Mr. Bansal submits that the applicant fulfils the criteria as per the recommendations of the High Powered Committee, inasmuch as he is an undertrial for an offence *inter-alia* under section 302 IPC; that he has been in prison for more than 02 years; and has no involvement in any other criminal case.
9. Ms. Neelam Sharma, learned APP for the State opposes grant of interim bail on the ground that the applicant is accused of the heinous offence of murdering his own son. Ms. Sharma further submits that his jail conduct is recorded as 'unsatisfactory', which is also the reason why the learned Sessions Court had declined interim bail.

10. Considering the overall facts and circumstances, especially that the applicant has already spent more than 06 years in custody as an undertrial; that it is unlikely that trial against him will be completed any time soon; that the last prison punishment awarded to him was on 13.02.2018 i.e. more than two years ago; and that he is covered by the criteria laid-down in the recommendations of the High Powered Committee *vidé* Minutes of Meeting dated 18.05.2020, 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. 20,000/- (Rupees Twenty Thousand) with 01 surety of the like amount from the applicant's wife, 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 at the address mentioned in this application;
- (c) The applicant shall present himself before the Investigating Officer, and in case the Investigating Officer is not available, then before the concerned SHO, every Monday between 11 am and 11:30 am to mark his presence. However he will not be kept waiting for longer than an 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 any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise

indulge in any act or omission that is unlawful or that would prejudice the proceedings in the matter;

(f) Upon expiry of the period of interim bail, the applicant shall 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 bail application is disposed of in above terms.

13. Other pending applications, if any, also stand disposed of.

14. A copy of the order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 01, 2020

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