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

+ **BAIL APPL 1994/2020**

CHANDER PAL

..... Petitioner

Through: Mr. Hemant Gulati, Advocate with
Ms. Anshika Sethi, Advocate

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Radhika Kolluru, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% **31.07.2020**

CRL. M.A. 10289/2020 (exemption)

1. Exemption is allowed, subject to the condition that the petitioner will file the duly sworn/attested affidavit, requisite court fee and the certified copy of the annexures within 72 hours from the date of resumption of the regular functioning of this Court.

2. The application stands disposed of.

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1. The present application has been filed seeking extension of interim bail granted to the petitioner vide order dated 11.06.2020 in FIR No.28/2016 registered under Sections 18/29 of the NDPS Act at Police Station Special Cell, Delhi on the ground that the petitioner had undergone surgery and needs some time to recover. The petitioner's interim bail has been extended from time to time.

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2. Learned counsel for the petitioner has referred to the medical documents stating that the petitioner is also suffering from fever. He has also referred to the order dated 13.07.2020 passed by the Full Bench of this Court in W.P.(C) 3037/2020 whereby it has been observed as under:-

“4. Now taking note of the prevalent Covid-19 pandemic situation in Delhi, Hon’ble Administrative and General Supervision Committee of this Court has been pleased to order that the regular functioning of this Court as well Courts subordinate to this Court shall continue to remain suspended till 31st July, 2020.

5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020, till 31st August, 2020 with the same terms and conditions.

6. The Hon’ble Single Bench of this Court in Crl.A.193/2020 titled as Harpreet Singh vs. State vide order dated 1st July, 2020 sought clarification to the following effect:

“7. The queries that the Hon'ble Full Bench may consider and decide for the guidance of all concerned are as follows:

a. Whether the orders made by the Hon'ble Full Bench in W.P. (C) No.3037/2020, including last order dated 15.06.2020, apply to all interim orders, whether made in civil or criminal matters, and regardless of whether such orders were made on or before 16.03.2020 or thereafter?

b. Where interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No.3037/2020?

8. While deciding the issue, the Hon'ble Full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No.3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby.”

7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this Court or the Courts subordinate to this Court, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March, 2020.”

3. In view of the above, the petitioner's bail granted vide order dated 11.06.2020 is extended till 31.08.2020 on the same terms and conditions.
4. The petitioner shall surrender after the expiry of the bail period.
5. With the above directions, the application is disposed of.
6. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

JULY 31, 2020/na

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