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

+ **BAIL APPLN. 2390/2020**

NAGENDER ALIAS DEVRAJ

..... Petitioner

Through Mr. R.K. Sonkiya and Mr.Akashdeep,
Advvs.

versus

STATE NCT OF DELHI

..... Respondent

Through Mr. Amit Chadha, APP for the State
with SHO Vijender Singh, PS
Dwarka North

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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27.08.2020

The hearing has been conducted through video conferencing.

CrI. M.A. 11741/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

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3. The present petition has been filed by the petitioner under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of interim bail for a period of six weeks or 45 days in case FIR No.357/2017, for the offences punishable under Sections 392/394/396/397/307/302/412/120-B/34 IPC and 25/27 Arms Act, registered at Police Station Dwarka North, Delhi.
4. Vide the present petition, petitioner seeks interim bail for a period of 45 days in view of the guidelines issued by the High Powered Committee in its Minutes of Meeting dated 18.05.2020.
5. A perusal of the said Minutes of Meeting dated 18.05.2020 shows that

Sections 392/394/396 IPC are not mentioned in it.

6. The same issue came before the High Power Committee and has been dealt with. Vide Minutes of Meeting dated 20.06.2020, the High Powered Committee has clarified in item No. 8-(B) that offences like kidnapping for ransom, dacoity etc. (including Section 364-A IPC) have intentionally been omitted in the minutes while laying down the criteria of granting bail to UTPs in the meeting dated 18.05.2020. Relevant portion of the Minutes of Meeting dated 20.06.2020 are reproduced below:-

“(B) CLARIFICATION REGARDING MINUTES DATED 18.05.2020 QUA BAIL APPLICATION NO.291/2019 VIDE ORDERS DATED 17.06.2020 OF HON’BLE HIGH COURT;

With Permission of the Chair, D.G.(Prisons) has brought to the notice of the Committee orders dated 17.06.2020 passed by Hon’ble High Court in bail application no.291/2019 titled “Satnam @ Raju vs. State”.

Members of the Committee have perused the order passed by Hon’ble High Court with respect to the petitioner who is an under trial prisoner in FIR No.491/2017 under section 364-A/506/342/323/34 IPC PS Paschim Vihar. A submission was raised on behalf of the petitioner that as High Powered Committee in meeting dated 18.05.2020 had resolved that UTPs facing trial under section 302 IPC and in Jail, for more than 2 years and not involved in any other case, may be released on “Interim Bail” therefore, petitioner who is involved for offence under section 364A IPC entailing same punishment should also be released on Bail.

Members of the committee have perused the orders dated 17.06.2020 passed by Hon’ble High Court and as required, it is hereby clarified that while categorizing the class / category of offences, this Committee in its last meeting had intentionally omitted such like offences i.e. kidnapping for ransom and dacoity etc. The said class/ category of cases and sections of IPC therefore, have not been mentioned in the Minutes while laying down the criteria in the Meeting dated 18.05.2020.”

7. In view of the above, the petitioner is not entitled for interim bail. The present petition is, accordingly, dismissed.

8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

AUGUST 27, 2020/rk