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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPL. 2498/2020**

LALIT SUKHEJAPetitioner/Applicant
Through: Mr. Samrat Nigam, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Mr. G.M. Farooqui, APP for the State.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
% **14.09.2020**

The applicant, who is an accused in case FIR No.64/2018 dated 19.05.2018 registered under sections 22/23/29/38/34 of Narcotic Drugs and Psychotropic Substances Act 1985 at P.S.: Special Cell (SB), Delhi, seeks interim bail on the ground that his aged parents need serious medical attention. Documents in support of the parents' medical condition have been filed along with the application.

2. Notice in the application was issued on 03.09.2020. Status report dated 08.09.2020 has been filed. Nominal roll dated 11.09.2020 has also been received from the Jail Superintendent.

3. Mr. Samrat Nigam, learned counsel for the applicant submits that the applicant was granted interim bail for his wife's surgery by order dated 01.06.2020; upon expiry of which he duly surrendered on 25.06.2020. Mr. Nigam submits that though by operation of orders

dated 13.07.2020, 24.07.2020 and 24.08.2020 made by the Full Bench of this court in of this court in W.P.(C) No.3037/2020 titled ***Court on its own Motion vs. State & Ors.***, the applicant could have availed extension of interim bail, but he did not do so and surrendered to custody on time. Mr. Nigam further points-out that applicant has been in custody since 04.06.2018, i.e. for more than 02 years and has availed interim bail only once from 02.06.2020 to 25.06.2020 ; and there is no allegation that he misused the liberty granted.

4. On the other hand, Mr. G.M. Farooqui, learned APP appearing for the State opposes grant of interim bail on two main grounds. *First*, that the documents relating to the parents' medical problems have been verified; and insofar as the applicant's father is concerned, though it is seen that he is suffering from hernia, no urgent surgical intervention has been advised; and the father was only advised follow-up in the surgical gastroenterology unit at the Pt. B.D. Sharma, PGIMS, Rohtak, Haryana, for further evaluation. As for the mother, it is submitted that, as recorded in the status report, she is a diagnosed case of osteoarthritis in both knees; but, yet again, surgical intervention is not needed presently although it may be required in future. However, Mr. Farooqui fairly points-out, that as the status report shows, when further opinion was obtained from other doctors, two of them have advised surgery but no date for the operation has been scheduled.

5. Insofar as the applicant's family is concerned, it is recorded in the status report that the applicant's family comprises two married sisters, aged parents, a wife and two minor children.

6. The applicant's nominal roll confirms that he has been in judicial custody for more than 02 years ; that his jail conduct is 'satisfactory' ; that he has availed interim bail from 02.06.2020 to 25.06.2020 ; and that there is no other or previous criminal involvement. Nominal roll further reflects that of the 06 accused in the same FIR, 01 is out on regular bail, while 02 others have availed interim bail.

7. Upon a conspectus of foregoing facts and circumstances, what weighs with this court is *firstly*, that the medical documentation in respect of the applicant's parents does reveal that both parents suffer from illnesses, for which surgical intervention or follow-up has been suggested. Insofar as the mother is concerned, at least two medical opinions have advised surgery of both knees to relieve pain. *Secondly*, since the applicant's family comprises two married sisters, a wife and two minor children apart from aged parents, the presence of the applicant would be necessary to get proper medical attention for his parents. *Lastly*, the applicant's conduct in having duly surrendered after availing interim bail in June 2020, despite the fact that he could have availed extension in terms of the orders of the Full Bench referred to above, also commends itself for consideration.

8. In the circumstances, 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.50,000/- with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent ;

- (b) The applicant shall not leave the National Capital Region 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.: Special Cell (SB), Delhi, every Friday between 11 am and 11:30 am to mark his presence. However, he shall not be kept waiting for more than one hour for this purpose;
 - (d) The applicant shall furnish to the Investigating Officer/S.H.O., 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) If the applicant has a passport, he shall surrender the same to the Jail Superintendent;
 - (f) 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 is unlawful or that would prejudice the proceedings pending against him;
 - (g) Upon expiry of the period of interim bail, the applicant shall duly surrender before the concerned Jail Superintendent.
9. Nothing in this order shall be construed as an expression on the merits of the pending matter.
10. The present bail application stands disposed of.

11. Other pending applications, if any, also stands disposed of.
12. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 14, 2020

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