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

+ W.P.(CRL) 1385/2020

SONU SHARMA

..... Petitioner

Through

Mr. Omkar Sharma, Adv.

versus

THE STATE(NCT OF DELHI)

..... Respondent

Through

Mr. Sanjay Lao, Addl. Standing
Counsel (Crl.)

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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10.09.2020

The hearing has been conducted through video conferencing.

1. The present petition has been filed under Article 226/227 of Constitution of India Cr.P.C on behalf of petitioner for grant of interim bail in pursuance to directions passed by Full Bench of Hon'ble High Court in W.P.(C) No. 3037/2020 titled as COURT ON ITS OWN MOTION VS STATE AND OTHERS vide order dated 24.8.2020 whereby interim bail have been extended till 31.10.2020 in FIR 67/2019 for the offence punishable under Section 20 NDPS Act, 1985, registered at Police Station New Friends Colony.

2. Admittedly, vide order dated 26.05.2020, petitioner was granted interim bail for 45 days on his wife's medical ground. Thereafter, vide order dated 28.7.2020 passed by this court, interim bail was further extended by three weeks as petitioner met with an accident and sustained injuries. However, on 25.08.2020, further sought extension of interim bail and when this Court was not inclined to grant interim bail, the application was dismissed as withdrawn.

3. Accordingly, the petitioner was supposed to surrender before the Jail Superintendent concerned. In the present petition, the petitioner stated that he approached to the Jail Superintendent concerned by showing judgment dated 24.07.2020 passed in W.P. (C) 3037/2020 passed by Full Bench of this Court and he suggested that extension is not automatically granted rather he has to take permission from the Court.
4. Mr. Sanjay Lao, Addl. Standing Counsel (Crl.) submits that he has verified from the concerned jail, it is fact that petitioner did not report there. Moreover, wherever there are specific orders, the Jail Superintendent cannot deny to take any of the accused /convict.
5. Learned counsel for petitioner has relied upon the order dated 07.08.2020 passed in W.P. (CRL) 1202/2020. On perusal of the said order, it was found that the order was for extension of interim bail but in the present case extension was dismissed as withdrawn vide order dated 25.08.2020.
6. Keeping in view the fact that on 25.08.2020, the petitioner has withdrawn his interim application and not surrendered before the concerned jail, I hereby find no ground in the present petition and the same is, accordingly, dismissed.
7. Accordingly, petitioner shall surrender before the concerned jail on 11.09.2020 before 4 pm.
8. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for information and necessary compliance.
9. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 10, 2020/ms