

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. No.2778/2020**

Judgment reserved on : 30.9.2020

Date of decision : 16.10.2020

RAKESH

..... Applicant

Through: Ms. Dolly Sharma, Advocate.
versus

STATE

..... Respondent

Through: Mr.Kewal Singh,APP for State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J.

1. The applicant vide the present application seeks the grant of interim bail in relation to FIR No. 364/2018, Police Station Neb Sarai under Sections 302/34 of the Indian Penal Code, 1860, till 31.10.2020. The submissions made in the application are to the effect that the applicant has been in judicial custody for more than 2 (two) years and that the trial of the case is at the stage of prosecution evidence. The applicant submits further that he has been falsely implicated in the instant case and submits that he is seeking the grant of interim bail on the grounds:-

- *That this Court vide its order dated 25.3.2020, 15.5.2020, 15.6.2020, 13.7.2020 and 24.8.2020 in Writ Petition (C) No. 3037/2020 had directed that all matters pending before this Court and the Courts subordinate to this Court*

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wherein the interim orders issued would stand automatically extended till 31.10.2020 with the relevant portion of the order dated 24.8.2020 having been reproduced by the petitioner which reads to the effect:

“ It is hereby ordered that in all matters pending before this court and courts subordinate to this court, wherein such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders.

Para 4: In view of the above, we hereby further extend the implementation of the directions contained in our orders dated 25th March, 2020, 15th May 2020, 15th June 2020 and 13th July, 2020 till 31st October, 2020 with the same terms and conditions”.

- *The applicant submits further that he had been granted interim bail by the learned Trial Court vide order dated 4.5.2020 and was asked to surrender on expiry of the period of the grant of interim bail and the applicant further submits that because of the orders in W.P.(C) No. 3037/2020 he hoped that his interim bail would be extended, and that he had filed an application seeking extension of interim bail which was dismissed by the learned Trial Court vide order dated 23.5.2020 and after that the applicant had surrendered back in jail and learnt that many of his inmates were still on bail in view of the directions passed in W.P.(C) No. 3037/2020 and thus the applicant filed an application for interim bail which was*

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also dismissed by the learned Trial Court vide order dated 11.9.2020.

- *The applicant further submits that he fails to understand why despite the directions issued by this Court in W. P. (C) 3037/2020 he was asked to surrender on the expiry of the bail period and subsequently his application for extension of interim bail was also dismissed and that the applicant is seeking parity with all convicts/undertrials that had been granted liberty of extended bails/extended suspension of sentence on the basis of the orders passed in W.P.(C) No. 3037/2020. Inter alia, the applicant submits that convicts and undertrials involved in more heinous offences have been granted extension of interim bail whereas the applicant is languishing in custody merely because he was erroneously directed to surrender back to jail after the expiry of his bail period and thereafter his application for extension of interim bail was also dismissed.*
- *Inter alia, the applicant submits that the co-accused in the matter has also been granted bail by the learned Trial Court vide order dated 10.6.2020.*
- *Inter alia, the applicant has submitted that he has not misused the liberty of interim bail granted to him and had surrendered on time and that he committed no offence during the bail period.*
- *The applicant further submits that his wife is alone with two minor daughters with no family support and that the*

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family of the applicant has no source of income and that the wife of the applicant is not in good health and in view of the present situation of COVID 19 she is not getting any work and thus the family of the applicant is at the verge of starvation and that the applicant being a responsible and dutiful person as a part of his moral duty wants to support his family financially to make necessary arrangement for the health and growth of his children which is necessary for the survival of his family and is a matter of urgency for the family of the applicant.

- *It has further been submitted on behalf of the applicant through the petition that due to overcrowding in the jails there is a likelihood of **his** contacting Corona Virus and as the functioning of the Court is suspended and only urgent matters are being heard, the trial cannot proceed and thus he be allowed to be released on interim bail.*

2. Notice of the application was issued to the State and the State has submitted its status reports dated 21.9.2020 and 30.9.2020, opposing the prayer made by the petitioner seeking release on interim bail.

3. At the outset, it is essential to observe that vide order dated 4.5.2020 of the learned Additional Sessions Judge, On Duty, South District, Saket Courts in relation to the application filed by the applicant seeking grant of interim bail for a period of 20 days on the premise that his wife is suffering from Uterus Cervicitis/Lymph nodes/fibroid and her treatment was continuing since November, 2019 and that she was initially being treated by the doctors at the Shakuntala Hospital who had

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observed that the uterus of the wife of the applicant/was bulky, swollen and that she was suffering from uterus cervicitis/fibroid and also having irregular excessive bleeding and after preliminary investigation she was referred to N.C. Hospital and on 14.4.2020, she was advised for surgery and removal of fibroid/lymph nodes on 25.4.2020. As observed vide the said order dated 4.5.2020, of the learned Additional Sessions Judge, South, it was stated on behalf of the applicant that there was no one in the family of the applicant to look after his ailing wife and bear the expenses of her surgery and her surgery was being postponed every time due to the absence of an attendant and non-deposit of necessary expenses and thus it was sought that the applicant be released on interim bail for a period of 20 days in order to enable him to arrange money for treatment and surgery of his wife and to take care of her.

4. The State had opposed the said application before the learned Additional Sessions Judge submitting to the effect that the applicant is a habitual offender and previously involved in many cases and the allegations against him were very serious and that he may tamper with the evidence and flee from the process of justice if he is released on interim bail.

5. Vide order dated 4.5.2020, the learned Additional Sessions Judge observed to the effect:

“As per the report of the IO, the medical documents of wife of applicant/accused have been duly verified from concerned hospital i.e. N.C. Hospital and are found to be genuine. As per the said documents, the wife of applicant/accused has been advised immediate surgery due to her medical condition and the surgery of wife of applicant/accused was earlier postponed due

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to absence of attendant and financial constraints. The statement of neighbours filed alongwith report also reflect that there is no one to look after and take care of wife of applicant/accused except applicant/accused. The wife of applicant/accused is living separately alongwith her two minor daughters with no family support.”,

and thus the applicant was allowed to be released on interim bail for a period of 15 days subject to the terms and conditions as imposed thereby vide the order dated 4.5.2020 the directions to him to surrender after expiry of the period of interim bail.

6. Vide order dated 23.5.2020 as was submitted on behalf of the applicant, the prayers made seeking the grant of extension of interim bail submitting to the effect that the wife of the applicant was admitted to the hospital on 3.5.2020 and was discharged from the hospital on 15.5.2020 after surgery but that the surgery of the applicant's wife was not completed and was to be done on two stages and thus the applicant's presence was required for the second surgery and that the interim bail be granted for a further period of six weeks further. The said application was declined by the learned Additional Sessions Judge observing to the effect that the next date of surgery was not till then scheduled and that the applicant was a habitual offender involved in many criminal cases and there is no reason for continuing the benefit of interim bail in favour of the applicant. The applicant was thus directed to surrender forthwith vide order dated 23.5.2020.

7. Vide order dated 11.9.2020 another application filed by the applicant seeking interim bail for a period of 60 days submitting to the effect that he has two minor children and a wife to look after and that

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there is no other male member in the family of the accused who could take care of them was opposed on behalf of the State submitting to the effect that on the previous occasion also the applicant had availed interim bail before the learned ASJ by filing fake medical documents of his wife and that thus his application for extension of interim bail was dismissed by the learned ASJ. It was also submitted on behalf of the State that the applicant was involved in six other cases thus his case was not covered under the Guidelines of the Hon'ble High Powered Committee of this Court. The State also placed reliance on the order dated 29.6.2020 of this Court in Bail Appln. No. 865/2020 titled **Abdul Rehman @ Nawali V. State** and taking into consideration the seriousness of the offences alleged against the applicant, his previous involvements, his conduct and the observations of this Court in **Abdul Rehman @ Nawali V. State** it was held by the learned Trial Court that the applicant was not entitled to any discretionary relief and the application seeking the grant of interim bail for a period of 60 days was declined.

8. Inter alia, it has been submitted by the applicant that in view of the verdict of the Hon'ble Full Bench dated 13.7.2020 and 24.8.2020 in W.P.(C) No. 3037/2020 in view of the order dated 23.5.2020 in the said writ petition, interim bails and interim suspension of sentences granted by this Court from time to time would be applicable to all undertrials/convicts who were on bail/interim bail or parole as on the date 13.7.2020 irrespective of the fact that they be released on interim bail or parole before or after 16.3.2020. It is essential to observe that vide dated 25.3.2020 in W.P.(C) No. 3037/2020 on the basis of which

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the subsequent orders have been passed in view of the order dated 13.7.2020 and 24.8.2020 it has been observed to the effect:

“ In view of the outbreak of COVID-19, the functioning of this Court is restricted only to urgent matters vide Notification No.51/RG/DHC/dated 13.03.2020. Such restricted functioning has been in place 04.04.2020.

On 24.03.2020, the Government of India has issued order No.40-3/2020-DM-1(A) whereunder strong measures have been enforced to prevent the spread of COVID-19 and a nationwide lockdown has been declared for a period of 21 days w.e.f. 25.03.2020.

In view of the lockdown in the State of Delhi and the extremely limited functioning of courts, routine matters have been adjourned en bloc to particular dates in the month of April. Thus advocates and litigants have not been in a position to appear in the said matters, including those where stay/bails/paroles have been granted by this Court or the courts subordinate to this Court, on or before 16.03.2020. As a result, interim orders operating in favour of parties have expired or will expire on or after 16.03.2020.

Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, wherein such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Needless to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised.”

9. On behalf of the applicant it has further been submitted that thus in as much as the applicant had been granted interim bail vide order

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dated 4.5.2020 for a period of 15 days, and that in view of the order dated 25.3.2020, 15.5.2020, 15.6.2020, 13.7.2020, and 24.8.2020 in W.P.(C) 3037/2020 all interim bails stood extended till the date 31.10.2020 and that thus the applicant was entitled to continuous interim bail and that the directions as directed vide order dated 23.5.2020 were erroneous.

10. Reliance is also sought to be placed on behalf of the applicant on the order dated 5.8.2020 in Criminal Appeal No. 1057/2020 and the order dated 7.8.2020 in Bail Appln. No. 3088/2020 of this Court to submit that on a parity of reasoning as per the said orders dated 5.8.2020 and 7.8.2020 of the Hon'ble Co-ordinate Bench of this Court in Criminal Appeal No. 1057/2020 and Bail Appln. No. 2088/2020 the applicant who had to surrender after the expiry of the period/completion of interim bail was held entitled to remain on interim bail on the same terms and conditions on which he had been granted interim bail in view of the order dated 13.7.2020 of the Hon'ble Full Bench of this Court titled ***Court on its Own Motion V. State & Ors.*** i.e. W.P.(C) 3037/2020.

11. On behalf of the State the prayer made by the applicant has been vehemently opposed submitting to the effect that after surrender of the applicant pursuant to the expiry of period of interim bail granted vide order dated 4.5.2020 by the learned ASJ (South), Saket Courts, the aspect of the grant of interim bail has essentially to be considered afresh. Further more, reliance was also sought to be placed by the State on the proceedings dated 29.6.2020 in ***Abdul Rehman @ Nawali (supra)*** Bail Appln. No. 865/2020 wherein the observations in relation to Dr.Gajinder Kumar Nayyar, Medical Superintendent, (NCH) at the N.C.

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Hospital when there is an observation of the Delhi Medical Council holding the conduct of Dr. Gajinder Kumar Nayyar to be highly unbecoming of a medical practitioner, revoked the name of Dr. Gajinder Kumar Nayyar under Registration No. 36089 from the State Medical Register for a period of 180 days and vide another order dated 30.10.2019 of the Delhi Medical Council had suspended the registration of Dr. Gajinder Kumar Nayyar for a period of 365 days and his suspension was to remain in force till 29.11.2020.

12. Submissions were also made on behalf of the State in the proceedings in Bail Appln. No. 865/2020 that Dr. Gajinder Kumar Nayyar is involved in serious criminal cases wherein the accused persons were taking a plea for grant of bail, interim bail and suspension of sentence with it having been submitted by the learned Standing counsel for the State that despite the suspension of the licence of Dr. Gajinder Kumar Nayyar w.e.f. 19.4.2019 till 29.11.2020 he was continuing to practice as a doctor and had issued medical certificates based on which several applications were being moved in the Court seeking bail, interim bail and suspension of sentence by various accused persons, it was observed by this court vide paragraphs, 20,21,22, 23 and 24 to the effect:

“20. Keeping in view of the facts and circumstances, the allegations raised by the prosecution and the orders passed by Delhi Medical Council, in my view, it would be appropriate if an inquiry is conducted by the Crime Branch of the Delhi Police by an officer of the rank of Deputy Commissioner of Police into the allegations raised by the prosecution that Dr. Gajinder Kumar Nayyar is issuing fake medical certificates to accused/convicts and/or family members of the accused/convicts for extraneous

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consideration and not for medical considerations to facilitate then in obtaining favourable orders of bail, interim bail and suspension of sentence.

21. The in charge Legal Cell, Delhi Police as also the Directorate of Prosecution, Delhi shall examine their records and ascertain as to in how many cases accused/convicts applied for bail, interim bail and suspension of sentences in the last two years based on medical certificates and/or Pathological Reports issued by Dr. Gajinder Kumar Nayyar.

22. Inquiry shall be conducted by the DCP Crime Branch, Delhi Police in respect of the above allegations and report be submitted to this Court.

23. It is clarified that in case any merit is found in the allegations raised by the Prosecution, the Crime Branch is at liberty to proceed in accordance with law, without awaiting for any orders from this court.

24. Copy of this order alongwith the Status Reports dated 07.06.2020, 22.06.2020 and 26.06.2020 alongwith their annexures particularly the orders of the Delhi Medical Council dated 19.03.2019 and 30.10.2019 be forwarded to:

(i) the Registrar General of this Court for forthwith circulating it to all the Judges of this Court;

(ii) all the District Judges of Delhi for forthwith circulating it to all the Judges of their respective Courts dealing with applications for grant of interim bail, regular bail and suspension of sentence by accused person or convicts.

(iii) Dr. Gajinder Kumar Nayyar. ”

13. On behalf of the applicant, learned counsel for the applicant however placed reliance on the observations in paragraph 6 and 7 of the order dated 21.9.2020 in Bail Appln. No. 865/2020 titled “ **Abdul Rehman @ Nawali v. State**” wherein it has been observed to the effect:

“6. Learned counsel appearing for Dr. Gajender Nayyar submits that Dr. Gajender Nayyar has filed an application seeking interim bail from the Trial Court, however, in view

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of pendency of the present petition the Court has been constrained to take up the prayer for grant of interim bail.

7. It is clarified that it is open to the Trial Court to consider the bail application of Dr. Gajender Nayyar in accordance with law without being influenced by the pendency of the present petition or by anything stated in any of the orders passed by this Court.

14. Thus it has been submitted on behalf of the applicant that as vide order dated 21.9.2020 in Bail Appln. No. 865/ 2020, even the bail application of Dr. Gajinder Nayyar has been directed to be considered on its own merits rather than being influenced by the pendency of the Bail Appln. No. 865/2020 or by anything stated in any of the orders passed by this Court and thus on the basis of the documents issued by Dr. Gajinder Kumar Nayyar in relation to medical ailment of the wife of the applicant, there can be no animus attributed against the applicant of any kind of defraud the agencies of the institution in any manner.

15. Vide order dated 22.9.2020 it was observed as under:

“ Without any observations on the merits or demerits of the present petition, in view of the observations made in the impugned order dated 11.09.2020 of the learned trial Court in relation to the application filed by the applicant seeking interim bail, which was declined making reference to observation in order dated 29.06.2020 in Bail Appln.865/2020 titled as Abdul Rehman alias Nawali Vs. State, a perusal of the order of this Court in Bail Appln.865/2020 observing to the effect that Delhi Medical Council had revoked the name of Dr. Gajinder Kumar Nayyar under Registration No.36089 from the State Medical Register for a period of 180 days and the prosecution in the status report has relied upon the order dated 30.10.2019 of the Delhi Medical Council wherein the Delhi Medical Council had suspended the registration of

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Dr. Gajinder Kumar Nayyar for a period of 365 days and that the suspension order was to remain in force till 29.11.2020, it is essential thus that the record of the bail application that was filed before the learned ASJ, Saket, in which the bail order was passed are perused. The said records are directed to be requisitioned for the next date through the District & Sessions Judge, South, Saket. Furthermore, the State shall specify the specific date of suspension of the licence of Dr. Gajinder Kumar Nayyar for the next date. In reply to a specific Court query, learned APP for the State submits that the State has not assailed the order dated 07.08.2020 of the Co-ordinate Bench of this Court in Bail Appln.2088/2020.”

16. The records of the bail application that was filed before the learned Additional Sessions Judge, South District, Saket Courts have been put up and perused. The said Trial Court record indicates that vide an application for interim bail dated 22.4.2020, it was submitted by the applicant before the learned Trial court as under

4. That wife of the applicant/accused is suffering from Uterus Cervicitis/lymph nodes/fibroid and her treatment is continuing since November 2019.

5. That initially, the doctors of Shakuntla Hospital had observed that the uterus of wife of applicant/accused was bulky, swollen and having Uterus Cervicitis/Fibroid and also having irregular excessive bleeding.

6. That after preliminary investigations the case referred to N. C. Hospital and on 14.04.2020, wife of the applicant/accused was advised by the doctors of N.C. Hospital, New Delhi for surgery and removal of Fibroid/lymph nodes on 25.04.2020.

7. That the condition of wife of applicant/accused is not good and she is in need of proper treatment and care and also needs money to bear the expenses of surgery. Wife of the applicant/accused is advised for admission in hospital on 24.04.2020 for surgery on 25.04.2020.

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8. That the applicant/accused submits that there is no one to take care of his bed ridden wife and he is the only person to take care of her at this stage and to make arrangement of money as well. The present of applicant is required post surgery also to take care of his wife.

9. That the applicant/accused undertakes to produce sound surety to the entire satisfaction of this Hon'ble court.

10. That the applicant/accused has deep roots in the society and there is no chance of his fleeing away from justice.

17. The documents that are annexed to this application seeking interim bail are of the Shakuntla Hospital dated. 2.7.2013 and 10.2.2020 issued by Dr. Gajinder Kumar Nayyar AMC No. 36089 and the certificate is dated 10.2.2020 with another certificate dated 9.3.2020 all issued by Dr. Gajinder Kumar Nayyar, MBBS, MAMC course. The status report dated 30.9.2020 indicates that on 28.9.2020 a reply of the Delhi Medical council was received wherein it was stated to the effect:

“2. Further, on 28.9.2020, reply of Delhi Medical Council has been received wherein it is stated that the medical council's Order No. DMC/DC/F. 14/Complainant. 2387/2/2019/280536, 37, 39, dated 19th March, 2019 in complaint No. 2387, as per which, Dr. Gajinder Nayyar was held to be guilt of having committed professional misconduct and was suspended for a period of 180 days w.e.f. 19th April, 2019 to 15th October 2019. Similarly, vide order No. DMC/ DC/ F.14/ Complainant.2491/2/2019/286131, 39, 40, 43-45 dated 30th October 2019 in another complaint No. 2491, Dr. Gajinder Kumar Nayyar was again found to be guilt of having committed professional misconduct and was

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suspended for a period of 365 days w.e.f. 30th November 2019 .”

18. It was further submitted by the State that the as per the Order No. DMC/DC/F.14/Complainant.2491/2/2020/291708 to 291709 dated 7th September, 2020, “*Dr. Gajinder Kumar Nayyar was further found to be guilty of having committed professional misconduct and the name of Dr. Gajinder Kumar Nayyar was directed to be removed from the State Medical Register of the Delhi Medical council for a period of five years and the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days .*” It is apparent thus that the Medical Practice Certificate of Dr. Gajinder Kumar Nayyar was under suspension when he issued the document dated 10.2.2020, 25.2.2020, 23.3.2020 and 14.4.2020 (in which it has been stated that the surgery was to be conducted on 25.4.2020 and one attendant is also required) qua the applicant’s wife.

19. The status report dated 30.9.2020 submitted by the State indicates that Dr. Gajinder Kumar Nayyar was found to be guilty of having committed professional misconduct and his name was directed to be removed from the State Medical Register by the Delhi Medical Council for a period of 5 years which was to come into force after 30 days from the date of 7.10.2020. The said status report dated 30.9.2020 as observed herein above clearly brings forth that all documents submitted by the applicant seeking the grant of interim bail which was granted vide the order dated 4.5.2020 of the learned ASJ, South District, were issued by Dr. Gajinder Kumar Nayyar when his medical practice licence was under suspension.

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20. The submissions thus that were made on behalf of the State before the learned Trial Court on 11.9.2020 that the applicant had availed of interim bail by filing fake medical documents, cannot be ignored. Further more, it is essential to observe that the status report dated 21.9.2020 of the State placed on record indicates that the applicant is involved in six other cases the details of which are as under:

S. No.	District /Tin No.	Police Station	FIR No.	U/s
1	South	Neb Sarai	0147/2011	323/324/34
2	South	Neb Sarai	0421/2016	12/9/55G Act
3	South	Neb Sarai	0493/2016	12/9/55G Act
4	Tin No. 081675TP00000526	Neb Sarai	250/12/06/2013	323/452/34 IPC
5	CCTNS No. 1488193009939/South	Neb Sarai	1159/2015	43-323, 43-341, 43-34
6	CCTNS 1488274442749/South	Neb Sarai	0663/2014	43-323, 43-341, 43-44

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It is apparent therefrom that the aspect of the previous involvements against the applicant number in six apart from the FIR in question in which the prayer has been made for interim bail in relation to the FIR No. 364/2018 Police Station Neb Sarai under Sections 302/34 of the Indian Penal Code, 1860 which stand registered against the applicant and thus applicant clearly thus does not fall within the ambit of the Guidelines of the Minutes dated 18.05.2020 of the Hon'ble High Powered Committee that relate to consideration of grant of interim bail.

21. As already observed, elsewhere hereinabove vide order dated 25.3.2020 of the Hon'ble Full Bench of this Court as extended vide orders dated 15.5.2020, 15.6.2020, 13.7.2020 and 24.8.2020, the aspect of scope of interim bail and the scope of variation of the grant of extension thereof in the circumstances of a case has clearly been implicitly stipulated vide order dated 25.3.2020. In the circumstances, the applicant can claim no parity with the cases in relation to Criminal Appeal No. 1057/2019 nor on the basis of the order dated 7.8.2020 in Bail Appln. No. 2088/2020 which are on distinct facts and do not make any reference to the aspect of the accused granted interim bail not falling within the ambit of the HPC Guidelines and also do not relate to the aspect of the grant of interim bail on fake medical documents, i.e., the documents issued by a doctor whose medical practice certificate stood under suspension on the date of issuance of the medical certificate on the basis of which the interim bail was granted by the learned Duty Additional Sessions Judge, South, Saket Courts vide order dated 4.5.2020.

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22. In the circumstances, the prayer made vide the Bail Appln. No. 2778/2020 by the applicant is a gross misuse of the process of law and thus dismissed.

ANU MALHOTRA, J.

OCTOBER 16th, 2020/SV

23. At the stage of pronouncement of judgement, it is observed that there is a mail received from the learned counsel for the applicant Ms. Dolly Sharma referring to the CRL.A. 1325/2019 listed at serial no.8 before the Hon'ble Mr. Justice Yogesh Khanna for today placing reliance on the same submitting to the effect that in view of the orders in WP (C) 3037/2020, the prayer made seeking extension of interim bail has been allowed on the same grounds.

24. As has already been observed vide order dated 16.10.2020 i.e. the order now being pronounced, the present applicant can claim no parity with the cases in relation to Criminal Appeal No. 1057/2019 nor on the basis of the order dated 7.8.2020 in Bail Appln. No. 2088/2020 nor on the order now sought to be relied upon in as much as there are observations in relation to the aspect of grant of interim bail on fake medical documents, i.e., the documents issued by a doctor whose medical practice certificate stood under suspension on the date of issuance of the medical certificate on the basis of which the interim bail was granted by the learned Duty ASJ, South, Saket vide order dated 04.05.2020, which is sought to be extended now.

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25. As observed hereinabove, there is no parity whatsoever with the cases relied upon on behalf of the applicant nor can the ssapplicant even seek to claim any relief for extension on the ground of order in WP (C) 3037/2020. The application is a gross misuse of the process of law and is dismissed.

ANU MALHOTRA, J.

OCTOBER 16th, 2020/SV



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