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

+ **BAIL APPLN. 2960/2019**

AMIR

..... Petitioner

Through: Mr Rajiv Mohan, Advocate with Mr
Lakshya Gupta, Advocate.

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State.
Mr Saleem Ahmed, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.06.2020

[Hearing held through videoconferencing]

1. The applicant has filed the present application, *inter alia*, seeking interim bail for a period of 45 days in FIR No. 445/2016.
2. The appellant had sought bail in the above-captioned petition and the same is pending. It is also noticed that the said petition was partly heard and the proceedings were interrupted in view of suspension of work on account of the outbreak of COVID-19. The hearing now stands adjourned to 25.08.2020.
3. The petitioner seeks interim bail in view of the decision of the High Powered Committee and for looking after his family.
4. Mr Ahmed, learned counsel appearing for the State has stoutly contested the aforesaid application and contends that the offence allegedly committed by the applicant is a serious offence and the trial is at a crucial stage. He also states that the decision of the High Powered Committee does

not confer any right on the prisoner but can be used only as a guideline.

5. The nominal roll has been furnished by the Jail Authorities which indicates that the petitioner has been in continuous custody since 20.05.2016, that is, for a period of four years, one month and six days.

6. His conduct during his imprisonment in last one years is satisfactory. Prior to that, the applicant was imposed two minor punishments: one on 10.02.2017 for using abusive language with escort staff; and second on 26.08.2018 for keeping ₹1,500/- in Indian currency in jail.

7. It is seen that the applicant is not involved in any other case. He was involved in FIR No. 1125/2016 under Sections 343/341/34 of the IPC registered with Police Station Jamia Nagar. This Court is informed that this was instituted by his wife. He was acquitted in that case on 17.01.2017. The petitioner's wife had also filed a complaint under Section 12 of the Domestic Violence Act. However, that matter was also compromised and the petitioner was released on 24.11.2016.

8. Mr Mohan, learned counsel appearing for the applicant states that the applicant's wife is residing in his house and they have no further disputes.

9. In view of the above and considering that the applicant has been in continuous custody for more than four years, this Court considers it apposite to allow the present application.

10. The applicant shall be released for a period of 45 days on his furnishing a personal bond in the sum of ₹20,000/- and a surety of an equivalent amount to the satisfaction of the Jail Superintendent/Duty Magistrate/Trial Court. This is also subject to following further conditions:

- (a) the applicant shall not contact any of the witnesses either directly or indirectly;
 - (b) the appellant shall not leave the National Capital Territory of Delhi;
 - (c) the applicant shall provide a contact number and ensure that he is reachable at all times;
 - (d) the applicant shall report to the concerned Police Station (Police Station Jamia Nagar) on Monday of each Calendar Week; and
 - (e) the applicant shall also deposit his passport with the concerned Police Station (Police Station Jamia Nagar), if he possesses one.
11. The application is allowed in the aforesaid terms.

JUNE 26, 2020
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VIBHU BAKHRU, J