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

+ **CRL.M.C. 2091/2017**

NEERU KAPOOR

..... Petitioner

Through: Mr. Manjit Singh Ahluwalia,
Mr. Pawan Kumar and Mr. Jaspreet
Singh, Advs.

versus

STATE & ANR

..... Respondents

Through: Mr. K.K. Ghai, APP for State with SI
Chetan Mandia, PS – EOW
Mr. Mukul Gupta, Sr. Advocate with
Mr. Pramod Bahuguna and
Ms. Soumya Mehrotra, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

21.01.2020

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The present petition is filed under Section 482 read with Section 439 (2) Cr.P.C. seeking setting aside of the order dated 06.04.2017 passed by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi in Bail Application No. 1086/2017 in case FIR No.08/ 2014, U/s 406/ 409/ 420/ 467/ 468/ 471/ 120B IPC, Police Station - EOW, New Delhi.

On perusal of the impugned order, the respondent No. 2 stated in his bail application that he is 55 years of age and that he is a heart patient and is also suffering from severe kidney disease. He has undergone many surgeries.

The present petition is filed on the ground that the respondent No. 2 has never undergone any surgery and had not placed any medical record regarding the same. However, learned trial Court has granted bail based upon his medical conditions.

On perusal of the impugned order, it is found that learned trial Court observed in its order that considering the matter in totality, period of custody as well as the fact that many litigations of different nature are pending between the parties and the core of dispute is primarily of civil nature, for which a civil suit has already been filed and the same is pending before this Court and that the instant case is based on documents on which investigation will take considerable time and keeping in view the medical condition of applicant/ accused (respondent No.2 herein), the trial Court was of the considered view that no fruitful purpose would be served by keeping the applicant/ accused further in judicial custody. Accordingly, trial Court granted bail to the respondent No.2 herein.

The grievance of the petitioner is that respondent No. 2 did not file any documents regarding his ailment and the learned Court below has observed that the matter is of civil nature, which will effect the prosecution case during trial.

However, the present case is not under Section 340 IPC, but for cancellation of bail. Keeping in view the order passed by the Court, I find no ground to interfere with the impugned order.

However, it is made clear that the trial Court shall not get influence at the time of passing the final order by observations made in the impugned order dated 06.04.2017.

Needless to state that if the petitioner so advised, may take steps against the respondent, as per the law available on the false averments and statements, if any, made before the trial Court in the bail application before the trial Court.

In view of the above, the petition is disposed of.

It is informed by the learned counsel for the petitioner that the supplementary charge-sheet has not been filed till date. SI Chetan Mandia is personally present in Court and submits that the FSL report has not been received, therefore, the supplementary charge-sheet is not yet filed.

The Director, CFSL/ CBI is directed to prepare the report within two weeks from today. IO of the case is directed to collect the same and file supplementary charge-sheet thereafter within two weeks.

Order *dasti* under signatures of the Court Master.

SURESH KUMAR KAIT, J

JANUARY 21, 2020

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