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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 18th August, 2020
+ **BAIL APPLN. 1886/2020 & CRL.M.A. 9940/2020**

NARENDER KASANA @ NARENDRA KUMAR Petitioner

Through: Mr. Anurag Singh, Advocate (M-9716913648).

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Raghuvinder Verma, APP.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been held through video-conferencing.
2. The present petition has been filed seeking further interim bail for a period of 45 days. The Petitioner in this case, was granted interim bail for a week, vide order of Id. ASJ dated 1st June, 2020, which was extended on several occasions and finally till 29th June, 2020. It is the case of the Petitioner that he went to the Mandoli Jail to surrender, however, he was not allowed to surrender and accordingly he made a call on '100' number to the Police Control Room (PCR).
3. Till date, the Petitioner has not surrendered and non-bailable warrants (NBWs) have been issued against him and surety has also been invoked.
4. The case of the Petitioner is that he was tested Covid-19 positive and admitted in the MMG District Hospital, Ghaziabad. The Covid-19 test report and Admission Slip of the Hospital were placed on record. On 27th July, 2020,

notice was issued and the Investigating Officer was directed to verify the facts and file a status report. Bail was also extended.

5. The status report was thereafter filed which unfortunately revealed that the Petitioner has absconded from the hospital in Ghaziabad. The status report reads as under:

“(1) That the medical documents (certificates) of petitioner Narender Kasana, has been verified from District MMG Hospital, Ghaziabad (UP) and found genuine.

(2) That as per the Covid-19 test report issued by Infectious Disease Control Room Ghaziabad (UP) petitioner Narender Kasana Age 35 yrs was found Poitive on 13/07/2020.

(3) That as per the report of Dr. M.K. Chaudhary (EMO) MMG District Hospital, Ghaziabad, UP patient Narendra Kasana @ Narender Kumar got admitted on 15/07/2020 at 12:15 AM vide EOPD No-14019 1 PD No-3812 and absconded at 2:00 PM on the same day i.e. 15/07/2020 from the Hospital.”

6. As per the above status report, the Petitioner had absconded from the hospital on 15th July 2020 itself. A perusal of the present petition shows that the petition is lodged on 22nd July, 2020. However, the affidavit has been signed on 15th July, 2020. The *vakalatnama* issued in favour of the lawyers has been signed on 10th July, 2020. Since the Petitioner is stated to have absconded on 15th July, 2020, the filing of the present petition and getting the bail extended on a wrong premise on 27th July 2020 is a clear misrepresentation. It is also inexplicable as to how the petition was filed on 22nd July, 2020, with an affidavit of 15th July, 2020 after the Petitioner had absconded from the hospital. This clearly gives an impression to the Court

that the counsels who appeared on 27th July, 2020 may have been aware of the fact that the Petitioner had absconded and this fact was not brought to the notice of this Court when the matter was listed on 27th July, 2020.

7. Issue non-bailable warrants (NBWs) against the Petitioner. The said warrants shall be executed by the concerned police officials along with the cooperation of the local police in Ghaziabad and/or U.P., if required.

8. Let the status report on the execution of the bailable warrants be filed within two weeks.

9. In the meantime, Id. counsels for the Petitioners shall provide to the IO/APP concerned all the details of the Petitioner including mobile number, house address etc., Id. Counsels for Petitioner to also place on record their personal affidavits as to when the Petitioner had got in touch with them, when and where the case papers including the affidavit/*vakalatnama* was signed and also as to whereabouts of the Petitioner and/or his family, who may have been in touch with the counsels. Affidavits be filed within two weeks.

10. Mr. Anurag Singh, Id. counsel submits that the case was filed on 17th July, 2020. However objections were removed on 26th July, 2020. Registry to file a complete status report as to when the matter was lodged and the details of the processing of the said petition.

11. List on 28th August, 2020.

PRATHIBA M. SINGH
JUDGE

AUGUST 18, 2020

Rahul/A