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

% *Order pronounced on 17.05.2022*

+ BAIL APPLN. 1488/2022

PANKAJ SHEHRAWAT @ PANKAJ Petitioner

Through: Mr. Jitendra Sethi and Ms. Anshika
Sethi, Advocates.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Ravi Nayak, APP for State with
Mr. Ravinder Tyagi, PS Special Cell.

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

TALWANT SINGH, J.

1. The petitioner has filed the present petition for extension of interim bail, which is expiring on 18.05.2022. The petitioner was released on interim bail vide order dated 06.04.2022 in bail application No. 904/2022 passed by a Coordinate Bench of this Court. The said order reads as under:

“1. The petitioner is seeking grant of interim bail on the ground the petitioner is suffering from chronic ligament rapture of left knee with ACL graphed (Articular Cartilage in Lateral Tibia Femoral Condyles) repulse.

2. It is stated the applicant is suffering with acute pain and is not able to walk or sit properly and now he has been advised for



reconstruction of the same.

3. It is also stated earlier the petitioner had undergone the above surgery about 12 years ago at Action Balaji Hospital, Paschim Vihar, Delhi but the said problem has reoccurred and now the surgery is scheduled for 07.04.2022.

4. It is stated he would require an extensive post operative care which includes proper nourishment, diet and complete bed rest for about 3-4 weeks.

5. Admittedly, the petitioner has been on bail earlier on occasions also, one of which is vide order dated 23.06.2020 in Bail Application no.1071/2020 of this court and hence in the circumstances stated above, the petitioner is admitted to interim bail for a period of six weeks from the date of his release on his furnishing a bail bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the trial court subject to the following conditions:-

i. Petitioner shall surrender his passport to the IO, if not already done so, and shall reside only within the territorial limits/ jurisdiction of Delhi; and

ii. during the period of interim bail, Petitioner shall report to concerned SHO on every alternate day; and

iii. Petitioner shall not approach any witnesses or threaten them or try to hamper with the evidence so as to create impediment to the holding of the fair trial. In case, there is slightest effort on the part of the accused to misuse the liberty, the prosecution shall file an application in this court immediately for the cancellation of his interim bail; and

iv. Petitioner shall also not interact with any person other than his family members or doctors and his known, either directly or on mobile phone or any other mode of



communication; and

v. petitioner shall provide his as well as the sureties mobile numbers to the IO / SHO concerned; and

vi. Petitioner shall also inform the IO/SHO concerned of the medical condition of the wife from time to time.

6. Petition is allowed and disposed of. Pending application, if any, also stands disposed of.

7. Order dasti.”

2. The ground for extension of bail is that he was suffering from Chronic Ligament Rapture of left knee with ACL graphed (Articular Cartilage in Lateral Tibia Femoral Condyles) repulse, the applicant was having acute pain and was not able to walk or sit properly and he had been advised an operation. The petitioner was granted interim bail by this Hon'ble Court and on his release the petitioner has reported for surgery. However, he was found to be having tenderness and acute pain for which he was prescribed treatment and then on 07.05.2022, the petitioner has undergone requisite PAC test and thereafter his surgery was performed on 08.05.2022 and his left knee has been put under bandage/plaster and he requires complete bed rest for about 8 weeks. The relevant medical certificates are stated to be annexed.

3. Notice was issued. Status report has been submitted by the prosecution. Copy supplied.

4. The status report mentioned that on 23.03.2022, the present petitioner had moved bail application No. 904/2022 before this Court on the ground that he was suffering from chronic ligament rapture of left knee with ACL graphed (Articular Cartilage in Lateral Tibia Femoral Condyles) repulse and



has been advised for reconstruction of the same. The petitioner had earlier undergone the said surgery 12 years ago. The surgery was scheduled for 07.04.2022, hence on 06.04.2022 he was enlarged on interim bail for a period of six weeks and now he has sought the extension of the said period by two months.

5. The petitioner had visited Aalok Hospital on 07.05.2022 and he was advised to undergo surgery. On 08.05.2022 his surgery was conducted and he was discharged from hospital on 09.05.2022. The verification done by the police officials from the hospital states that on enquiry Aalok Hospital had replied that the patient had visited the hospital for the first time on 07.05.2022 and he was discharged on 09.05.2022. He was advised to come back after three days for follow up in OPD but the petitioner did not report back.

6. The CCTV footage from the hospital from 08.05.2022 and 09.05.2022 shows that the petitioner, along with two armed persons and others had come to the hospital on both days; inside and outside the hospital and there were 3-4 cars and over 8 people armed with weapons along with the petitioner 24X7 in the hospital. Some photographs have also been enclosed.

7. It has been submitted that the petitioner has violated the conditions imposed by this Court on 06.04.2022. It has been further submitted that the petitioner, during his interim bail of six weeks, also went on to show off his armed men to the general public in the said hospital, which is clear from CCTV footage and he has violated the bail conditions imposed on 06.04.2022, hence he be not granted extension of the bail.

8. I have heard Mr. Jitendra Sethi, Advocate for the petitioner and Mr. Ravi Nayak, learned APP, on behalf of the State.

8.1 Mr. Sethi has argued that the present petitioner is in custody for more



than five years. Till date, only 27 of the 195 witnesses have been examined and the case is progressing at a snail's speed. It has been wrongly mentioned in the report that Action Balaji Hospital had given the date of 07.04.2022 for new operation of the present petitioner, rather the said date was given by Safdarjung Hospital, when the petitioner was taken to the said hospital from Jail. Aalok Hospital, run by Dr. Alok Gupta, is a very renowned hospital, in which the petitioner was taken on 07.05.2022 and he was duly operated on 08.05.2022 and he still needs 60 days to fully recover; so the extension of bail has been prayed.

9. On the other side, learned APP has reiterated the contents of the status report.

10. In the present case, the present petitioner was enlarged on interim bail on 06.04.2022. The said order states that the operation of the present petitioner was to take place on 07.04.2022. It was further stated that the intensive care was required for about 3-4 weeks; hence the interim bail was for a period of six weeks.

11. The petitioner went to Aalok Hospital only on 07.05.2022 and prior thereto, he was visiting another hospital called Shri Siddhi Vinayak Multi Speciality Hospital for the reasons best known to him. The petitioner was treated in Action Balaji Hospital about 12-13 years ago for the same ailment; as per him he was given the date for his operation by the Safdarjung Hospital on 07.04.2022 and accordingly, he was released on bail on 06.04.2022 but he did not report to the said hospital. For about one month, he was alleged of taking treatment from Shri Siddhi Vinayak Multi Speciality Hospital and suddenly, he showed up in Aalok Hospital on 07.05.2022, the date which was near to expiry of the six weeks period, for which interim bail was granted and



he is stated to have undergone an operation on 08.05.2022 and was discharged on 09.05.2022. The petitioner was supposed to visit the hospital for follow up after three days but he did not visit the said hospital till date as per the report dated 15.05.2022 given by the Aalok Hospital and duly signed by Dr. Alok Gupta. On what ground the 60 days extension is being sought, there is no document to support that the present petitioner has been advised bed rest for 60 days or he is unable to move or walk.

12. Under these circumstances, there is no ground for extension of interim bail. The application for the same is hereby dismissed.

13. The petitioner shall surrender on 18.05.2022 before the concerned Jail Superintendent without fail.

TALWANT SINGH, J

MAY 17, 2022

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[Click here to check corrigendum, if any](#)