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

+ **BAIL APPLN. 1429/2023**

PANKAJ DAWAR

..... Petitioner

Through: Mr. Nitin Bansal, Adv. through V/c.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Aashneet Singh, APP for the
State.

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Date of Decision: 02.05.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 11647/2023

Exemption allowed subject to just exceptions.

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1. The present application has been filed seeking interim bail for the petitioner for a period of one month on the ground of illness of his wife.

2. A similar application was moved before the learned Trial Court wherein the learned Trial Court after taking into the submissions passed the following order:-

*“Misc Crl. No. 93/2023
State v. Pankaj Dawar
FIR No. 287/2022*

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*PS Crime Branch
Under Section 20/25/29 NDPS Act*

25.04.2023.

*Pr: Ms. Promila Singh, Ld. Addl. P.P for the State.
Sh. Kundan Kumar, Ld. Counsel for the applicant/accused I.O
with case file.*

*Arguments heard on the application under Section 439 Cr.P.C.
for grant of interim bail to accused-applicant.*

*It is pleaded on behalf of the applicant that the wife of
accused/applicant is severely ill as she is suffering from hormonal
imbalance with irregular periods due to which she has been having
excessive bleeding since one month. As per the examination
conducted, she has LSCS Scar on anterior abdominal wall with
Ischamic Heart Disease and Pelvic infection. She was admitted in
emergency at Lamba Hospital and Nursing Home at Janak Puri on
08.04.2023 due to excessive bleeding and discharged on 09.04.2023.
Thereafter, she has been advised for operation for the said ailment.
Therefore, the presence of the accused/applicant is necessary for
taking care of his wife. Hence, prayer is made for grant of interim
bail to the accused/applicant/*

*Per contra, Ld. Addl. P.P for the State has opposed the bail
application stating that though the medical documents of wife of
accused/applicant are verified and found to be correct, but they are
other family members in accused's family who can take care of his
ailing wife. Further, there is no emergency which requires presence of
the accused/applicant.*

Heard and considered.

*The medical documents of wife of accuse/applicant from Lamba
Hospital and Nursing Home are verified and found to be genuine.
However, there are other members in the family of the
accused/applicant who can take care of his ailing wife. As per the
medical record, wife of the accused/applicant is suffering from some
gynaecology problem and in that scenario the presence of a female is
required rather than a male. There is no pressing need for grant of
interim bail to the accused/applicant.*

In view of the above facts and circumstances of the case, I am of the considered view that no ground is made out for grant of bail to accused/applicant. Therefore, the application moved on behalf of the accused/applicant stands dismissed.

A copy of this order be sent to the Jail Superintendent concerned for further communication to the accused/applicant. Copy of this order be also forwarded to Jail Superintendent concerned through E-Mail."

3. Learned counsel for the petitioner submits that though there are female members of the family but the petitioner being a husband is required to be there along with his ailing wife. It has been submitted that this is the first application for interim bail. It has also been stated that there is an old Exercise Act case against the accused.

4. Taking into account the fact that the wife of the petitioner is severely ill as she is suffering from hormonal imbalance with irregular periods and has LSCS Scar on anterior abdominal wall with Ischaemic Heart Disease and pelvic infection and also the fact that the medical documents of the wife are already verified, I consider it would be in the interest of justice that the petitioner be admitted to interim bail.

5. Accordingly, the petitioner is admitted to interim bail for a period of one month from the date of his release subject to the condition that he shall furnish a personal bond of Rs. 1,00,000/- (Rupees One Lacs Only) with one surety of the like amount to the satisfaction of the Investigating Officer and with the following conditions:-

- a) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

- b) the petitioner shall be available on mobile number 9212992139 (Mother of accused Pankaj) to the Investigating Officer and keep it operational at all times;
- c) the petitioner shall drop a PIN on the Google map to ensure that his location is available to the Investigating Officer;
- d) the petitioner shall report to the investigating officer on every Wednesday and Friday at 05:30 PM on PS Crime Branch (North); and
- e) The petitioner shall not travel beyond NCR without the permission of the court.

6. In view of the submissions made, the present application is disposed of. However, it is made clear that this court has not gone into the merits of this case and any expression made herein shall not tantamount to be an expression on the merits of the case.

DINESH KUMAR SHARMA, J

MAY 2, 2023/AR