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

+ BAIL APPLN. 822/2024 and CRL.M.As. 7184/20204,
12388/2024

SIKANDER BEHL Petitioner

Through: Mr. Viraj Datar, Sr.
Advocate with Mr. Kapil
and Mr. Pratyush
Prasanna, Advocates.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Mukesh Kumar, APP
for the State/R-1 with SI
Arun Kumar, PS – DIU/
SD.
Mr. Vierat K. Anand, Mr.
Harish Nadda, Mr. Kumar
Shashank, Mr. Rishabh
Singh and Mr. Arun
Yadav, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
06.05.2024

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1. The present application is filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking regular bail in FIR No. 91/2023 dated 02.03.2023 registered at Police Station Maidan Garhi, for offences punishable under Sections 406/34 of the Indian Penal Code, 1860 and for setting aside of the order dated 01.03.2024 (hereafter '**the impugned order**'), passed by the learned Additional Sessions Judge-06 (South), Saket Courts, New Delhi ('**ASJ**').

2. The learned ASJ, by the impugned order, had cancelled the bail granted to the applicant by the learned Trial Court *vide* order dated 17.10.2023, on the ground that the applicant had violated



the conditions of bail imposed by the learned Trial Court, while granting bail *vide* order dated 17.10.2023 and held that the applicant is a flight risk and there is a possibility of him evading the due course of justice in future. The learned ASJ while cancelling the bail also noted the fact that now the applicant is traveling abroad after seeking permission from the learned Trial Court will not mitigate his attempt to fly to London on 11.11.2023 in violation of bail order.

3. The learned Counsel for the applicant submits that the applicant is suffering from bipolar disorder, and is seeking treatment abroad since the doctors treating the Applicant in India were issued notices and the applicant was facing difficulty in finding the treatment.

4. He further submits that the applicant being a patient of bipolar disorder, not being well versed with the bail order, booked his ticket to London and since he was apprehensive that a look out circular may have been issued / opened against him, went to the airport and was apprehended at the airport on 11.11.2023.

5. He submits that the applicant apologizes for the said conduct and it was a mere misunderstanding. He submits after the said incident the applicant on 16.11.2023, filed an application seeking permission to travel abroad on medical grounds and the same was allowed by the learned Trial Court *vide* order dated 22.11.2023. He submits that the applicant, even after obtaining the permission, was unable to leave the country for the specific period for which he was granted permission to travel abroad and subsequently the learned Trial Court had again granted the permission to the travel to London, United Kingdom *vide* order dated 04.01.2024.



6. This Court by its order dated 13.03.2024, directed the State not to take any coercive steps against the applicant and also granted an extension of ten days to the applicant to stay in London, United Kingdom till 23.03.2024, for getting the medical treatment and the same was further extended from time to time *vide* orders dated 19.03.2024 and 04.04.2024 respectively.
7. It is also admitted that the applicant has comeback from London, United Kingdom, and joined the investigation on multiple occasions.
8. It is not the case of the State that the applicant after being granted permission to travel has tried to run away or misused the liberty in any manner.
9. The orders granting permission to travel abroad to the applicant have not been challenged by the State therefore there can be no apprehension that the applicant is a flight risk.
10. In view of the above the impugned order, cancelling the bail of the applicant, is set aside and the order dated 17.10.2023, passed by the learned Trial Court granting bail to the applicant is restored on the same terms and conditions. The bail bond(s) furnished pursuant to order dated 17.10.2023, also stands restored.
11. The present application is allowed in the aforementioned terms.
12. All pending applications stand disposed of.

AMIT MAHAJAN, J

MAY 6, 2024/“PB”