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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1596/2024**
UMESH @ KALAPetitioner

Through: Mr. Avi Kalra, Mr. Prateek Lakra,
Mr. Devesh Chauhan, Ms.
Deepshikha Singh and Mr. Samarth
Suri, Advocates.

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State.
Insp. Ashwani, P.S.: Mourya Enclave.
Insp. Deepak Malik, P.S.: Karol
Bagh.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **18.07.2024**

CRL.M.A. 20757/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.A. 20758/2024 & CRL.M.(BAIL) 1181/2024

By way of CRL.M.A. No. 20758/2024 filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner/applicant seeks recall of order dated 10.07.2024, whereby learned counsel who had appeared for the petitioner on that date had withdrawn the bail petition, submitting that it had become



infructuous. Accordingly, the petition was disposed-of as withdrawn; without however making any observations on the merits of the matter.

2. Further, by way of CRL.M.(BAIL) No. 1181/2024 filed under section 439 read with section 482 of the Cr.P.C., the petitioner/applicant seeks a 06-week extension of interim bail granted to him *vide* order dated 07.06.2024, on the ground that though his wife's appendix surgery has already been conducted, she is now pregnant and has been recommended bed-rest since complications may arise, which may require the petitioner's presence.
3. Mr. Avi Kalra, learned counsel appearing for the petitioner submits, that *vide* order dated 18.06.2024 passed in Criminal Appeal No. D-632/2022, a Division Bench of the Punjab & Haryana High Court has granted interim suspension of sentence to the petitioner in a separate case in which he is serving life sentence for the offence under section 302 of the Indian Penal Code, 1860 ('IPC'), on the ground of his wife's pregnancy.
4. Mr. Utkarsh, learned APP appearing for the State, on instructions of the Investigating Officer, submits that the petitioner is stated to be a member of a gang that is active in Delhi and that he is also implicated in other cases under the Maharashtra Control of Organised Crime Act, 1999 ('MCOCA').
5. Learned APP points-out that nominal roll dated 31.08.2023 also reflects that the overall conduct of the petitioner in jail has been 'unsatisfactory'; and in fact, as recorded in order dated 29.11.2023 made in BAIL APPLN. No. 2906/2023, certain medical documents filed by the petitioner seeking interim bail were found to be forged



and fabricated, and based thereupon, the interim bail application was dismissed by this court. Furthermore, it is stated that a separate FIR bearing No. 154/2023 was also registered under sections 420/468/471 IPC at P.S.: Tilak Marg, arising from those forged documents.

6. Mr. Kalra submits, that the interim bail granted to the petitioner in the present case runs-out on tomorrow *i.e.* 19.07.2024; and if he is not granted restoration of the main bail petition and extension of interim bail, the interim suspension of sentence granted to him *vide* order dated 17.07.2024 in Criminal Appeal No. D-632/2022 by the Punjab & Haryana High Court would be rendered infructuous.
7. Be that as it may, considering that the main bail petition was disposed-of as withdrawn *vide* order dated 10.07.2024; that the petitioner has been on interim bail granted *vide* order dated 07.06.2024; the fact that the petitioner's custody in the present case as an undertrial is separate and independent from his custody as a convict in the matter that was before the Punjab & Haryana High Court; and that the petitioner is facing action for having furnished forged documents to seek interim bail, this court is not inclined to allow either of the aforesaid applications.
8. Accordingly, CRL.M.A. No.20757/2024 and CRL.M.(BAIL) No.1181/2024 stand dismissed.
9. Needless to add, that the petitioner is at liberty to file a fresh petition seeking the relief of interim bail, at the appropriate stage, as he may be advised, in accordance with law.
10. The petitioner is directed to surrender to the jail authorities upon expiry of the interim bail granted *vide* order dated 07.06.2024.



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11. The petition already stands disposed-of as withdrawn *vide* order dated 10.07.2024.

ANUP JAIRAM BHAMBHANI, J

JULY 18, 2024

V.Rawat