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

+ **BAIL APPLN. 3418/2024**

JATIN

.....Petitioner

Through: **Mr. Upendra Yadav, Advocate.**

versus

THE STATE NCT OF DELHI

.....Respondent

Through: **Ms. Shubhi Gupta, APP for the State
with SI Rajendra Meena, Anti-
Narcotics Squad, West Distt.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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23.09.2024

CRL.M.A. 28593/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

BAIL APPLN. 3418/2024

By way of the present petition filed under section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks extension of interim bail granted to him on the medical grounds of his wife *vide* order dated 21.08.2024 in BAIL APPLN. No. 2816/2024, which bail petition was disposed of by that order.

2. It transpires however, that subsequently the petitioner sought *extension* of the interim bail granted *vide* order dated 21.08.2024 in BAIL APPLN. No. 2816/2024 *by filing a fresh substantive bail petition* bearing BAIL APPLN. No. 3344/2024, in which, *vide* order



dated 17.09.2024, this court extended the interim bail granted in the earlier bail petition for a period of 01 week from that date. *Vide* order dated 17.09.2024, BAIL APPLN. No.3344/2024 was also disposed-of.

3. Subsequently, by way of office note dated 23.09.2024 in BAIL APPLN. No.2816/2024, it was brought to the notice of this court that a communication dated 19.09.2024 had been received from the Dy. Superintendent, Central Jail No.4, Tihar, New Delhi informing the court that the petitioner had not surrendered back to custody despite expiration of the period of his interim bail on 16.09.2024.
4. It now transpires, that to seek a *second extension* of the interim bail originally granted to him *vide* order dated 21.08.2024 in BAIL APPLN. No. 2816/2024, the petitioner has filed a *third substantive bail petition*.
5. Ms. Shubhi Gupta, learned APP appears for the State on advance copy; and submits that the filing of fresh substantive bail petitions each time the petitioner seeks extension of interim bail granted to him, causes serious confusion within the jail administration as also in the prosecution branch, since they are unable to cross-reference the various orders made in different bail petitions; apart from the fact that it becomes difficult to verify the grounds taken and the documents filed in an earlier bail petition once it is disposed-of.
6. After discussing the matter with the concerned officials of the Registry, this court is of the view, that *a prayer for extension of interim bail ought to be filed by way of a CRL.M.(BAIL) in the main bail petition in which interim bail was first granted*, even if the first



petition stands disposed-of. A prayer for extension of interim bail *must not be filed* by way of a fresh substantive bail petition, since that makes it difficult for the court, for the prosecution branch, as well as for the jail administration, to cross-reference the grounds taken and the documents relied upon by a petitioner; and the stand taken and the documents verified by the Investigating Officer, for grant of interim bail in the first instance. Such cross-referencing is relevant and material for deciding a prayer for extension of interim bail.

7. In the above view of the matter, the present bail petition is dismissed as not maintainable.
8. A copy of this order be forwarded to Hon'ble the Acting Chief Justice for passing requisite practice-directions and filing-instructions on the administrative side.
9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 23, 2024/ak/ds