



\$~1

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

+ **BAIL APPLN. 4254/2024 & CRL.M.A. 34850/2024**

LAKHPAT SINGH

.....Petitioner

Through: Mr. Amit Bardhan Mohanty,
Advocate.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for the State.
SI Vikas Kuhar, Spl. Cell NR & STF,
Delhi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
28.11.2024

%

By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks interim bail in case FIR No. 0111/2023 dated 23.04.2023 registered under sections 18/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at P.S.: Special Cell, Delhi on the ground that his wife urgently requires knee replacement surgery and that he needs to arrange for finances for the surgery as well as for the college education of his son.

2. Notice on this petition was issued on 21.11.2024, pursuant to which Status Report dated 26.11.2024 has been filed.
3. Relying upon the contents of the status report, Mr. Hitesh Vali, learned APP appearing for the State submits, that the Investigating



Officer has verified from the attending doctor at the concerned hospital viz. “मन्नत मैटरनिटी एंड सर्जिकल हॉस्पिटल” in Bareilly, Uttar Pradesh and it stands verified that the petitioner’s wife has been advised knee replacement surgery; and that she visited the hospital on 16.11.2024 and has been given a tentative date of 30.11.2024 for the surgery.

4. On the other hand, Mr. Vali submits, that insofar as the ground cited by the petitioner that he needs to arrange for the fee for his son’s college education, upon enquiry it is found that no fee is due or pending for the petitioner’s son, who attends the Government Polytechnic, Bareilly, since all dues were cleared. Besides, it is also pointed-out, that as narrated in the status report, the petitioner has 03 adult children, 02 sons and a daughter, apart from 04 brothers who all reside in Bareilly and are therefore available to take care of the petitioner’s wife for purposes of her surgery.
5. Learned counsel for the petitioner submits, that though the date of 30.11.2024 was given for his wife’s surgery, that date is tentative since the petitioner is yet to arrange for finances for the surgery and till the requisite amount is paid, a fixed date will not be allotted for the surgery.
6. Insofar as the petitioner’s son is concerned, learned counsel submits, that the petitioner requires to arrange for other expenses towards his son’s studies, even though the college fee stands paid as of now. He also submits, that though the petitioner has other children, they reside elsewhere and are in any case pre-occupied with their own life and the



petitioner's brothers will not be able to provide the financial, physical and moral support that is required for his wife during her surgery.

7. The petitioner's Nominal Roll dated 28.11.2024 shows that he has been in judicial custody for about 01 year and 07 months as an under-trial; that his jail conduct has been satisfactory and he has no other criminal involvements.
8. Upon an overall conspectus of the facts and circumstances of the case, the petitioner – **Lakhpatt Singh s/o Prem Raj** – is granted *interim bail* for a period of *04 weeks* from the date of his release subject to the following conditions :
 - 8.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount, to the satisfaction of the learned trial court;
 - 8.2. The petitioner shall *ordinarily* reside at the address as per prison records/as mentioned in the application and shall remain within the town of Bareilly, Uttar Pradesh while on interim bail, except while travelling between Delhi and Bareilly;
 - 8.3. The petitioner shall present himself before the S.H.O, P.S.: Bithri Chainpur, Bareilly, Uttar Pradesh every Monday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;
 - 8.4. The petitioner shall furnish to the Investigating Officer/S.H.O, P.S.: Special Cell, Delhi and P.S.: Bithri Chainpur, Bareilly, Uttar Pradesh, a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;



- 8.5. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 8.6. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 8.7. Upon expiry of the period of interim bail, the petitioner shall surrender before the concerned Jail Superintendent.
9. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
10. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
11. The petition stands disposed-of.
12. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 28, 2024/ak