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

+ **BAIL APPLN. 3315/2025**

SHAHID

.....Petitioner

Through: Mr.Kapil Madan and Mr.Shivek Rai
Kapoor, Mr.Vansh Bajaj, Mr.Nishant
Sharma and Mr.Vishal Jaswal,
Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr.Digam Singh Dagar, APP with
Inspector Kuldeep Kumar Tiwari,
SHO PS Janakpuri

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

02.09.2025

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1. Petitioner is before this Court seeking interim bail for a period of 60 days in relation to FIR No. 214/2025 under Sections 103(1)/238(A) of the BNS registered at police station Janakpuri.
2. The Petitioner seeks interim bail for 60 days in FIR No. 0214/2025, stating that he suffers from a life-threatening disease, Allergic Bronchopulmonary Aspergillosis with Central Bronchiectasis and Long-Term Oral Therapy (ABPA-CB-LTOT), due to which 70% of his lungs are non-functional and the remaining are affected by cysts and chronic bronchitis. He is dependent on continuous oxygen support, yet jail authorities lack the medical infrastructure to provide adequate treatment,

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causing his condition to deteriorate rapidly.

3. He states that the trial court wrongly dismissed his earlier bail plea despite medical evidence, and that his arrest and subsequent custody have further aggravated his health, with repeated hospitalizations prior to arrest. Since his detention, he has lost significant weight, has not been produced physically before court, and has been denied timely treatment outside jail facilities.

4. It is submitted that without immediate medical care, the Petitioner's life is at grave risk, and interim bail is necessary to enable him to access proper treatment.

5. In the aforesaid backdrop, the petition was earlier heard by me on 29.08.2025 when following order was passed:

"1. Notice. Learned APP for State accepts notice. List on 01.09.2025.

2. Meanwhile, fresh report qua the current medical condition of the applicant, after getting him examined from the Jail doctor, be filed.

3. A copy of the order be conveyed to the Jail Superintendent concerned to enable him to do the needful. Nominal roll of the applicant be also conveyed to this court by the Jail Superintendent."

6. On resumed hearing today, a report has been received which reads as under:

" Subject: Medical Status Report of inmate/patient Shahid S/o Md. Jahid.

With reference to the Registrar General, High Court of Delhi, New Delhi, seeking medical report of afore-said inmate/patient to be submitted as per date given.



As per available records, inmate/patient is a known case of Bronchial Asthma with old Pulmonary Tuberculosis (improved) with post tubercular destructed lungs with LRTI on long term oxygen therapy (LTOT) domiciliary oxygen therapy. He is on regular treatment from pulmonology department - Safdarjung Hospital and Medicine department - Central Jail Hospital.

The inmate/patient was referred to Central Jail Hospital from Central Jail No.04, Tihar on 03.07.2025 for round the clock oxygen support. Patient has been on domiciliary oxygen from last three years.

Inmate/patient was reviewed in Pulmonology, OPD of Safdarjung Hospital on 08.07.2025 and 25.07.2025 wherein he was advised treatment and further investigations.

Inmate/patient was last admitted in Central Jail Hospital from 05.08.2025 to 25.08.2025 and it was mentioned on his discharge card by Medicine Specialist - Central Jail Hospital that domiciliary oxygen therapy is to be continued from respective jail (Central Jail No.04) and that further review to be done by jail Medicine specialist in Central Jail No.04 - dispensary on OPD days.

Inmate/patient was again referred from Central Jail No.04 Tihar on 28.08.2025 and 30.08.2025 for similar complaints as before. He was returned back to Central Jail No.04 on 28.08.2025 with instructions to follow same treatment.

However on 30.08.2025 he was admitted in Medicine ward - Central Jail Hospital by the duty doctor. On the same day, a letter was duly sent to Resident Medical Officer - Tihar with intimation to SCJ-03 regarding further directions for long term admission of inmate/patient in Central Jail Hospital (copy enclosed).

At present, inmate/patient remains admitted in general ward - Central Jail Hospital, Tihar under Medicine department. He is on 02 litres of Oxygen/ minute with nasal prongs, maintaining saturation of 98%, general condition and vitals are stable in addition to other necessary medication.

This is submitted for your kind information and onward submission to the Hon'ble Court." (emphasis supplied)



7. Having seen the contents of the report, I find no ground to interfere as petitioner is involved in most heinous offence, i.e., Section 302 of the IPC and has been confined only for 60 days. Instant petition seems to be an endeavour to by-pass the process of regular bail by seeking an interim bail on the medical grounds for which no grounds are made out in view of the report, *ibid*.

8. The petition is dismissed.

ARUN MONGA, J

SEPTEMBER 2, 2025/SV