

FIR No. 117/2018

PS: Maurice Nagar

State V. Sarabjeet Singh @ Lucky @ Avneet Singh

u/s 376/506 IPC

06.07.2020

Present: Sh. Ateeque Ahmad, LD. APP for the State through VC.

Sh. S. N. Shukla, Ld. Legal Aid Counsel for accused/applicant through VC.

Ms. Lakshmi Raina, Ld. Counsel for DCW through VC.

Victim/complainant in person.

IO SI Saris Khan in person.

It is submitted by Ld. LAC for applicant/accused Sarabjeet @ Lucky that the father of the applicant/accused, namely, Sh. Gurucharan Singh was having severe pain in both of his knees and he had visited Ram Manohar Lohia Hospital for his treatment, the Orthopaedic doctor of the *Ram Manohar Lohia Hospital* had suggested for knee replacement but because of COvid19, the same was not possible. Thereafter, Sh. Gurucharan Singh, the father of the applicant/accused has approached to some other hospital who also did not suggest the father of the applicant/accused for knee replacement. However, the *Dr. Jagjit Singh of Deep Ortho Clinic*, has suggested for the knee replacement of the father of the applicant/accused. Ld. Counsel for applicant/accused has further submitted that the knee replacement of the father of the



applicant/accused is an emergency and the mother of the applicant/accused is also a senior citizen and there is no one in his family to look after the father of the applicant/accused at the time of his knee replacement. It is prayed by Ld. Counsel for applicant/accused that interim bail of 45 days may kindly be granted to the accused to look after his father.

Ld. APP has strongly opposed the bail application on the ground that earlier also, the applicant/accused has moved an application for interim bail before this court before the lockdown for Covid19 Pandemic and the said application of the interim bail on the medical ground of the parents of the applicant/accused was dismissed by this court.

It is further submitted by Ld. APP for the State that if this court will grant any interim bail to the applicant/accused then he may misuse for the same.

Having heard the submissions made by Sh. S.N. Shukla, Ld. LAC for applicant/accused as well as Ld. APP for the State, complainant/victim and Ms. Lakshmi Raina, Ld. Counsel for Delhi Commission for Women, this court is of the considered view that before the lockdown of Covid 19 Pandemic, an application seeking interim bail has been filed but the same was dismissed by this court on merit.



It is pertinent to mention herein that after dismissal of the interim bail application of the applicant/accused, the accused has filed an application for bail in the Hon'ble High Court of Delhi on the same ground to which accused was granted interim bail from Hon'ble High Court of Delhi. It has been brought to the notice of this court by Ld. APP for the State that before Covid19 pandemic lockdown, the applicant/accused has moved an application for interim bail in the High Court of Delhi and interim bail was granted to the applicant/accused and after some time, the same medical ground was taken and another application was filed in the High Court of Delhi but the same was dismissed as withdrawn.

Complainant/victim who is present in the court with her elder sister has also opposed the interim bail application of the accused.

Complainant/victim is advised not to appear in person in the court premises and the Reader/Ahlmad of this court may connect the complainant/victim through *CISCO Webex App*.

It has also been brought to the notice of this court by the IO that the sister of the applicant/accused is residing within a radius of 10 kms from the residence of the parents of the applicant/accused and she may take care of her parents whereas Sh. Shukla, Ld. Legal Aid Counsel for the applicant/accused has submitted that there is no one in the family of the father of the

applicant/accused to look after him except the mother of the applicant/accused who is also suffering with serious ailments. However, in the given facts and circumstances and in the interest of justice, IO/SHO is directed to verify from the doctors of RML Hospital and Dr. Jagjit Singh, Deep Ortho Clinic, GL-18, Jail Road, Hari Nagar, New Delhi-64, Mobile Number 9899682754 or any other hospital where the father of the applicant/accused has visited for treatment of his knee. IO/SHO is further directed to ask the doctor of Deep Ortho Clinic in writing if there is any emergency for replacement of the knee of the father of the accused. IO/SHO is further directed to obtain the CDR of the parents of the applicant/accused as well as the sister of the applicant/accused who is stated to be residing near the residence of the father of the applicant/accused for one month. IO has submitted that five days time may kindly be granted to verify the same. Time is granted to the IO.

Be put up on 10.07.2020 for filing the detail reply of IO and for further arguments on bail application of the applicant/accused.

(SATISH KUMAR)

ASJ/SPECIAL JUDGE (SFTC-2)

Central/THC/Delhi

06.07.2020