

State Vs. Seema

FIR No: 299/2020

Under Section: 33 Delhi Excise Act

PS: Civil Lines

28.07.2020

Through video conferencing

This is fresh application for grant of bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.
Sh. Sanjay Kumar, Ld. Counsel for the applicant.

Reply filed by IO. Copy supplied to Ld. Defence Counsel electronically.

IO has reported number of previous involvements of accused.

Ld. Defence Counsel submits that the same is required to be verified for effective adjudication of present application.

In these circumstances, let nominal roll of accused be filed by concerned jail superintendent inter alia mentioning the previous involvements, if any, and current status of same.

Put up for further hearing on 31.07.2020.

Copy of order be sent to concerned Jail Superintendent for compliance.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
28.07.2020

State Vs. Bablendra Singh

FIR No: 279/2020

Under Section: 376/506 IPC

PS: Burari

28.07.2020

Through video conferencing

This is fresh application for grant of bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Anees Ahmad Khan, Ld. Counsel for the applicant.

Reply filed by deputed IO. Copy supplied to Ld. Defence Counsel electronically.

Presence of SHO/IO is required for certain clarification. They are, therefore, directed to join the proceedings through VC on next date of hearing.

Put up for further hearing on 31.07.2020.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
28.07.2020

State Vs. Sumit

FIR No: 189/2020

Under Section: 394/411/34 IPC

PS: Civil Lines

28.07.2020

Through video conferencing

This is fresh application for grant of bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Vinay Tyagi, Ld. Counsel for the applicant.

Reply filed by the IO. Copy supplied to Ld. Defence Counsel electronically.

This is fourth application moved on behalf of the applicant seeking regular bail. The first of such application was dismissed by Ld. Duty MM vide order dated 23.05.2020. Thereafter successive bail applications of accused were dismissed by Ld. ASJs (on duty) vide order dated 27.05.2020 and 17.06.2020.

Ld. Defence Counsel has vehemently argued for grant of bail on the ground that accused has been falsely implicated. It is argued that there is change of circumstance (since passing of order dated 17.06.2020) as chargesheet in the instant case has already been filed on 27.06.2020. It is further argued that accused is in judicial custody since 29.04.2020 and his family, consisting of his wife and minor daughter, is suffering in his absence.

Per contra, Ld. APP for State has argued for dismissal of bail on the ground that there is no change of circumstance since passing of order dated 17.06.2020. It is argued that mere filing of chargesheet cannot be termed as change of material circumstance for grant of bail to accused.

I have heard rival contentions and perused the record.

The last application of accused was dismissed by Ld. ASJ vide detailed order dated 17.06.2020 while considering all the contentions which have been raised in present application. Perusal of order dated 17.06.2020 reveals that Ld. ASJ while noting down facts in details has observed as follow:

“Allegations against accused/applicant are of serious nature. Previously also accused/applicant was involved in a similar case i.e. vide FIR No. 350/16, PS Civil Lines under Section 356/379/411 IPC. Earlier bail application filed on behalf of accused/applicant was dismissed by Ld. ASJ vide order dated 28.05.2020. Investigation of the case is yet to be completed and charge-sheet is yet to be filed. Even statement of complainant/victim has not been recorded in Court. Possibility of tempering with the evidence/witnesses cannot be ruled out at this stage. As per record of IO, incident in question was recorded in CCTV Camera and the CCTV Footage is being obtained.

Keeping in view the aforesaid facts and circumstances, I find no merits in the present application. The same is hereby dismissed and disposed of accordingly.”

Therefore, it is clear that the earlier application moved on behalf of accused/applicant was dismissed by Ld. ASJ keeping in view the totality of facts and circumstances. Ld. ASJ has specifically observed that statement of complainant/victim has not been recorded in Court and possibility of

tampering with evidence/witnesses cannot be ruled out. The said ground still subsists.

In my view, mere filing of chargesheet cannot be good ground to enlarge accused on bail as it is evident that the allegations against accused have got substantiated during course of investigation resulting in filing of charge sheet against him.

In the case of **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Another**, (2005) 2 SCC 42, the Hon'ble Supreme Court observed as follows:

"Ordinarily, the issues which had been canvassed earlier would not be permitted to be re-agitated on the same grounds, as the same it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting."

In the case of **State of Tamil Nadu vs S.A. Raja Appeal (crl.) 1470 of 2005** decided on 26 October, 2005, the Hon'ble Supreme Court held as follows:

"Of course, the principles of res judicata are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents."

In the case of **Harish Kathuria & Anr. Vs. State, Bail Application No. 1135/2011**, decided on 18.08.2011, the Hon'ble High Court of Delhi has observed as follows :

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“Successive bail applications can be filed as has been held in the catena of judgments but then it has been observed that there must be change in circumstances which warrant fresh consideration of the application. Successive bail applications without there being any change in circumstances is not only to be deprecated but is in effect a gross abuse of the processes of law which must be visited with some amount of sanction by way of cost for wasting the time of the Court. There are cases of persons who are languishing in jail for wanting their appeals to be heard for want of time while as unscrupulous persons like the petitioners, who have embarked on a forum shopping or rather be called a bench hopping, are wasting the time of the Court.”

As there is no change of material circumstances since passing of order dated 17.06.2020, therefore, the instant application is also to meet the same fate. The allegations against accused are quite grave and serious as the offence U/s 394 IPC is punishable with imprisonment upto life.

In view of the aforesaid discussion, application for bail moved on behalf of the applicant stands dismissed. Copy of this order be sent to Ld. Defence Counsel by official email. Another copy of this order be also sent to concerned Ld. Magistrate, SHO/IO as well as concerned Jail Superintendent through official email for information.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
28.07.2020

State Vs. Pawan

FIR No: 32/2020

Under Section: 302/34 IPC

PS: Wazirabad

28.07.2020

Through video conferencing

This is fresh application for grant of bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Mohd. Ahmed, Ld. Counsel for the applicant.

Reply filed by the IO. Copy supplied to Ld. Defence Counsel electronically.

The case of the prosecution in nutshell is that on the fateful day, accused along with other co-accused were riding 'Gramin Sewa' and victim was driving Maruti Ecco bearing registration no. DL4CAX 6013 when an altercation took place between them due to overtaking of vehicle. It is further alleged that applicant along with co-accused started assaulting the victim. One of the co-accused namely Kapil @ Kohli stabbed victim Kartik in his chest and all over his neck resulting in death of latter. All the accused allegedly fled away from the spot after vandalizing the vehicle of the victim.

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Ld. Counsel for accused has vehemently argued for grant of bail on the ground that accused is a young person and has nothing to do with instant case as he was merely a passenger in the said 'Gramin Sewa'. It is further argued that accused has been falsely implicated and languishing in custody since last 20 days for no fault.

Per contra, Ld. APP for State has vehemently opposed the bail application of accused on the ground that allegations against accused are grave and serious. It is argued that investigation qua him is at nascent stage as he has been recently arrested, having fled away from the spot after committing the offences in question. It is further argued that the applicant has been correctly identified by eye-witnesses during Test Identification Proceedings (TIP).

I have heard rival contentions and perused the record.

The allegations against the accused/applicant are grave and serious and the investigation qua him is still at nascent stage. The contention of defence, that accused has been falsely implicated and he was merely passenger, can only be tested during course of trial and not at this stage.

In case of **Amar Singh vs State, 1985 Cri LJ 550** Hon'ble High Court has held as follows:

"In a case such as this normally public policy and the general state of crime of such nature should also be considerations which should weigh with the Court while considering an application for bail. I, however, do not mean to suggest that this should be an inflexible rule. There may even in this category of cases be some appropriate exceptions where bail may deservedly be granted. One of the main considerations would be as to

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whether on the basis of the evidence and the documents on which prosecution relies it can be said that there are grounds to believe that the accused are involved in offences punishable with death or transportation for life and if there are such reasonable grounds on which the accused are likely to be charged of murder then the question of grant of bail would not arise. The reasoning of the learned Sessions Judge that it is easier to grant bail in a non-bailable offence rather than to cancel it is really strange, inasmuch as he seems to be labouring under the impression that it is easy and permissible to commit a mistake but difficult to rectify the same. I do not find this reasoning conducive to judicial health and discipline and it is going to adversely affect the administration of justice. Besides, it is bound to provide a lever to miscreants and anti-social elements to indulge in heinous crimes with impunity. This will weaken the moral fibre of the society and twist the armies of law. Indeed, personal liberty is a very valuable asset but the liberty of those who are law abiding is perhaps more valuable than the liberty of those who are out to break law as they themselves are responsible for its forfeiture. Over centuries we have been dealing with such cases. Why, if I may so ask, are the persons under trial for murder offence languishing in jails for years? The only answer to this would be that because of the demands of public policy courts are loath to enlarge such offenders on bail. That accounts for the normal practice of the courts to refuse bail for crimes of such nature. Unmerited grant of bail in murder cases can neither serve the ends of justice and law nor of the society. It would only serve the interest of some powerful interested groups. I can safely say that with the present state of our society and increase in the rate of murder we can ill-afford to be so liberal. Any reckless use of discretion, therefore, in such cases, is bound to shake the confidence not only of the society as a whole but also of those who may naturally be interested in seeing the culprits getting their due."

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Therefore, considering the facts and circumstances of the case, gravity of the offence, identification of accused by eye-witness during TIP and since investigation (qua applicant) is at nascent stage, I am not inclined to enlarge the applicant/accused on bail. **His application for grant of bail is accordingly dismissed.**

Copy of this order be sent concerned Jail Superintendent, Ld. Defence Counsel as well as SHO/IO for information through official email.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
28.07.2020

State Vs. Aakash

FIR No: 32/2020

Under Section: 302/34 IPC

PS: Wazirabad

28.07.2020

Through video conferencing

This is fresh application for grant of bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Mohd. Ahmed, Ld. Counsel for the applicant.

Reply filed by the IO. Copy supplied to Ld. Defence Counsel electronically.

The case of the prosecution in nutshell is that on the fateful day, accused along with other co-accused were riding 'Gramin Sewa' and victim was driving Maruti Ecco bearing registration no. DL4CAX 6013 when an altercation took place between them due to overtaking of vehicle. It is further alleged that applicant along with co-accused started assaulting the victim. One of the co-accused namely Kapil @ Kohli stabbed victim Kartik in his chest and all over his neck resulting in death of latter. All the accused allegedly fled away from the spot after vandalizing the vehicle of the victim.

Ld. Counsel for accused has vehemently argued for grant of bail on the ground that accused is a young person and has nothing to do with instant case as he was merely a passenger in the said 'Gramin Sewa'. It is further argued that accused has been falsely implicated and languishing in custody since last 20 days for no fault.

Per contra, Ld. APP for State has vehemently opposed the bail application of accused on the ground that allegations against accused are grave and serious. It is argued that investigation qua him is at nascent stage as he has been recently arrested, having fled away from the spot after committing the offences in question. It is further argued that the applicant has refused to participate in Test Identification Proceedings (TIP) and therefore an 'adverse inference' can be drawn against him.

I have heard rival contentions and perused the record.

The allegations against the accused/applicant are grave and serious and the investigation qua him is still at nascent stage. The contention of defence, that accused has been falsely implicated and he was merely passenger, can only be tested during course of trial and not at this stage.

In case of **Amar Singh vs State, 1985 Cri LJ 550** Hon'ble High Court has held as follows:

"In a case such as this normally public policy and the general state of crime of such nature should also be considerations which should weigh with the Court while considering an application for bail. I, however, do not mean to suggest that this should be an inflexible rule. There may even in this category of cases be some appropriate exceptions where bail may deservedly be

granted. One of the main considerations would be as to whether on the basis of the evidence and the documents on which prosecution relies it can be said that there are grounds to believe that the accused are involved in offences punishable with death or transportation for life and if there are such reasonable grounds on which the accused are likely to be charged of murder then the question of grant of bail would not arise. The reasoning of the learned Sessions Judge that it is easier to grant bail in a non-bailable offence rather than to cancel it is really strange, inasmuch as he seems to be labouring under the impression that it is easy and permissible to commit a mistake but difficult to rectify the same. I do not find this reasoning conducive to judicial health and discipline and it is going to adversely affect the administration of justice. Besides, it is bound to provide a lever to miscreants and anti-social elements to indulge in heinous crimes with impunity. This will weaken the moral fibre of the society and twist the armies of law. Indeed, personal liberty is a very valuable asset but the liberty of those who are law abiding is perhaps more valuable than the liberty of those who are out to break law as they themselves are responsible for its forfeiture. Over centuries we have been dealing with such cases. Why, if I may so ask, are the persons under trial for murder offence languishing in jails for years? The only answer to this would be that because of the demands of public policy courts are loath to enlarge such offenders on bail. That accounts for the normal practice of the courts to refuse bail for crimes of such nature. Unmerited grant of bail in murder cases can neither serve the ends of justice and law nor of the society. It would only serve the interest of some powerful interested groups. I can safely say that with the present state of our society and increase in the rate of murder we can ill-afford to be so liberal. Any reckless use of discretion, therefore, in such cases, is bound to shake the confidence not only of the society as a whole but also of those who may naturally be interested in seeing the culprits getting their due."

Therefore, considering the facts and circumstances of the case, gravity of the offence, non participation by accused in TIP and since investigation (qua applicant) is at nascent stage, I am not inclined to enlarge the applicant/accused on bail. His application for grant of bail is accordingly dismissed.

Copy of this order be sent concerned Jail Superintendent, Ld. Defence Counsel as well as SHO/IO for information through official email.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
28.07.2020

State Vs. Madan Lal @ Badal

FIR No: 254/19

Under Section: 392/397/411 IPC

PS: Subzi Mandi

28.07.2020

Through video conferencing

This is fresh application for grant of regular/interim bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Upendra Singh, Ld. Counsel for the applicant.

Reply filed by the IO. Copy supplied to Ld. Defence Counsel electronically.

Ld. Counsel is seeking regular/interim bail for accused Madan Lal @ Badal on the ground that he has been falsely implicated in the instant case. It is argued that accused is sole bread earner of his family and in judicial custody since 24.10.2019. On these grounds, Ld. Counsel requests for grant of bail.

Per contra, Ld. APP for State has vehemently opposed the bail application of accused on the ground that allegations against accused are grave and serious. It is argued that the accused is an active bad character of PS Subzi Mandi and is having previous involvements in more than 20 cases. It is argued that accused may commit the similar offences or threaten the witnesses, if enlarged on bail.

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I have heard rival contentions and perused the record.

The allegations against the accused are that on 24.10.2019, he robbed the complainant of Rs. 500/- by showing him knife. Accused was arrested at the spot along with robbed amount and weapon of offence. IO has reported a number of involvements against the accused. IO has further specifically reported that the family members of accused are threatening the complainant to withdraw the present case. IO has also reported that on 11.12.2019, accused had threatened him in the presence of two police officials in court no. 32, Tis Hazari Courts and the said fact was brought to the notice of concerned Ld. Magistrate.

The allegations against the accused are grave and serious. Considering the facts and circumstances of the case and report of IO, the possibility of accused threatening the complainant and other material witnesses cannot be ruled out. Further, accused does not have clean antecedents and therefore, I am of the view that he may commit offences of similar nature, if enlarged on bail.

In view of the above, I am not inclined to release applicant/accused Madan Lal @ Badal on regular/interim bail. His application for grant of bail is accordingly dismissed.

Copy of this order be sent concerned Jail Superintendent, Ld. Defence Counsel as well as IO/SHO for information through official email.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
28.07.2020

State Vs. Neeraj @ Rohit

FIR No: 1195/15

Under Section: 380/392/397/458/307/186/353/411/34 IPC & 27 Arms Act

PS: Kotwali

28.07.2020

Through video conferencing

Vide instant order, I shall dispose of the pending application filed on behalf of applicant Neeraj @ Rohit for grant of regular bail.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Hari Shanker, Ld. Counsel for accused/applicant.

The instant application has been taken up for disposal pursuant to request of applicant made in this regard through a formal application.

I have heard parties and perused the judicial record.

The case of prosecution in nutshell is that on the alleged date of incident i.e. 23.12.2015, accused and other co-accused fired at police team who attempted to apprehend them when latter were in the process of committing theft of wires.

Ld. Defence Counsel has argued for grant of bail on the ground that accused is in custody since long. It is further argued that all the material witnesses have already been examined in the instant case and therefore, there

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is no possibility of witnesses being threatened by accused. Ld. Defence Counsel has further pointed out certain contradictions in the testimony of prosecution witnesses (PW2 to PW4) in support of his case. Ld. Counsel has relied upon judgments of Hon'ble Delhi High Court in 2017 (2) JCC 1394, date of decision 27.04.2017 and in Anil alias Bhola Vs. The State (NCT of Delhi), 2018 (3) JCC 1314 dated 24.05.2018.

Per contra, Ld. APP for State has vehemently opposed the bail application on the ground that allegations against accused are quite grave and serious and he was apprehended at the spot. It is further argued that there is no change of circumstance since dismissal of previous bail application of accused. It is argued that accused is involved in number of cases and therefore considering his past antecedents, he cannot be granted bail in the instant case.

I have heard the rival contentions and perused the record.

This is fifth application (seeking regular bail) filed on behalf of accused. The last of such application was dismissed by my Ld. Predecessor vide detailed order dated 09.01.2018 while considering all the contentions which have been raised in present application. Perusal of said order reveals that my Ld. Predecessor, while noting down facts in details, has *inter-alia* observed as follows:

“.....The applicant has been charged with commission of offence under Section 307 of Indian Penal Code. He had fired gunshots at police personnel. Besides, the applicant is charged with commission of offences under Section 458, 380, 392, 186, 353 and 411 of Indian Penal Code.

The allegations are supported by not only the testimony of police officers and public witnesses, but also by recovery of the robbed articles from the applicant. Although some

witnesses, in their testimony, have not been able to disclose which of the accused had fired the shots, that does not absolve the applicant since Section 34 of Indian Penal Code is attracted against him in any case. The witnesses have duly identified the accused in the court. At this stage, a minute analysis of evidence cannot be undertaken.....”

The said grounds still continue to subsist.

In the case of **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Another**, (2005) 2 SCC 42, the Hon'ble Supreme Court observed as follows:

"Ordinarily, the issues which had been canvassed earlier would not be permitted to be re-agitated on the same grounds, as the same it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting."

In the case of **State of Tamil Nadu vs S.A. Raja Appeal (crl.) 1470 of 2005** decided on 26 October, 2005, the Hon'ble Supreme Court held as follows:

"Of course, the principles of res judicata are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents."

In the case of **Harish Kathuria & Anr. Vs. State, Bail Application No. 1135/2011**, decided on 18.08.2011, the Hon'ble High Court of Delhi has observed as follows:

“Successive bail applications can be filed as has been held in the catena of judgments but then it has been observed that there must be change in circumstances which warrant fresh consideration of the application. Successive bail applications without there being any change in circumstances is not only to be deprecated but is in effect a gross abuse of the processes of law which must be visited with some amount of sanction by way of cost for wasting the time of the Court. There are cases of persons who are languishing in jail for wanting their appeals to be heard for want of time while as unscrupulous persons like the petitioners, who have embarked on a forum shopping or rather be called a bench hopping, are wasting the time of the Court.”

As there is no change in circumstance since dismissal of previous application for bail therefore, the instant application is also to meet the same fate. Furthermore, trial in the instant case is still going on and therefore, it would be premature to examine the sufficiency/probative value of the evidence at this stage.

In the case of **Vaman Narain Ghiya v. State of Rajasthan (2009) 2 SCC 281**, the Hon'ble Supreme Court observed as follows:

"While considering an application for bail, detailed discussion of the evidence and elaborate documentation of the merits is to be avoided. This requirement stems from the desirability that no party should have the impression that his case has been pre-judged. Existence of a prima facie case is only to be considered. Elaborate analysis or exhaustive exploration of the merits is not required."

In the case of **State of Orissa vs Mahimananda Mishra Crl. Appeal No. 1175/2018** decided on 18.09.2018, the Hon'ble Supreme Court, while setting aside an order of grant of bail, observed as follows :

“It is also well settled that the Court must not go deep into merits of the matter while considering an application for bail. All that needs to be established from the record is the existence of a prima facie case against the accused. Keeping in mind the aforementioned principles, we are of the view that the High Court was not justified in going into the evidence on record in such a depth which amounts to ascertaining the probability of the conviction of the accused.”

It would also be relevant to mention here that previously, the accused had moved application for grant of interim bail on two occasions before this court which were dismissed vide order dated 13.07.2020 and 15.07.2020. IO has reported involvement of accused in number of offences. Ld. Counsel has refuted the said version of IO by arguing that accused is presently involved in one case only. Be that as it may, in view of the past antecedents of accused, I am of the view that, if enlarged on bail, chances of accused committing offences of similar nature cannot be ruled out. The judgments relied by Ld. Defence Counsel are not of much help to defence as Hon'ble High Court had considered the aspect of bail in those cases in particular facts and circumstances and present case has to be judged on its own merit.

In light of aforesaid reasons, considering the gravity of allegations, role of accused, nature of evidence appearing against him and since there is no change in circumstance since dismissal of his earlier applications, I am not

inclined to grant bail to accused Neeraj @ Rohit. Mere long custody cannot be good ground to enlarge accused on bail in the facts and circumstances of the present case. **The application dated 16.11.2019 for grant of bail is accordingly dismissed.**

Copy of this order be sent to concerned jail superintendent, SHO/IO as well as Ld. Defence Counsel through official email.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
28.07.2020

State Vs. Bhagat Ram

FIR No: 176/19

Under Section: 302 IPC

PS: Pahar Ganj

28.07.2020

Through video conferencing

This is fresh application for extension of interim bail filed on behalf of the applicant.

**Present: Sh. Alok Saxena, Ld. APP for the State.
Sh. Chetan Pangasa, Ld. Counsel for the applicant.**

Reply filed by the IO. Copy supplied to Ld. Defence Counsel electronically.

The applicant is seeking extension of interim bail, granted to him vide order dated 09.06.2020 by Ld. ASJ (on duty).

In terms of the directions dated 13.07.2020 of Hon'ble High Court in **W.P.(C) 3037/2020, Court on its own motion Vs. Govt. of NCT of Delhi & anr**, the interim bail of all such applicants have already been extended by Hon'ble High Court vide a common order till 31st August, 2020. The relevant observations of Hon'ble High Court are as follows:

" 5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020 till 31st August, 2020 with the same terms and conditions.

6. The Hon'ble Single Bench of this Court in Crl.A.193/2020 titled as Harpreet Singh vs State vide order dated 01st July, 2020 sought clarification to the following effect:

“7. The queries that the Hon'ble Full Bench may consider and decide for the guidance of all concerned are as follows:

a. Whether the orders made by the Hon'ble Full Bench in W.P.(C) No. 3037/2020, including last order dated 15.06.2020, apply to all interim orders, whether made in civil or criminal matters, and regardless of whether such orders were made on or before 16.03.2020 or thereafter?

b. Whether interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No. 3037/2020?

8. While deciding the issue, the Hon'ble full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No. 3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby.”

7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole

granted by this court or the courts subordinate to this court, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March, 2020.

In view of same, there is no necessity for filing the present application separately. **Present application stands disposed off accordingly.**

Copy of this order be sent to concerned Jail Superintendent for information. Copy of this order be given dasti to counsel through email.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
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