

FIR no. 0210/2020
PS DBG Road
State Vs. Sahil, S/o Sh. Sareef

15.09.2020

Proceedings on this matter has been conducted via Video Conferencing through Cisco Webex.

This is an application u/s 437 Cr.PC received through E-mail as moved on behalf of the applicant/accused Sahil, S/o Sh. Sareef, for grant of regular bail.

Present: Sh. Rajiv Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Hari Krishan, Ld. Counsel for accused has been joined via Video Conferencing through Cisco Webex.
IO/SI Ram Avtar has also been joined through Video Conferencing.

Reply of IO has been received through email.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Sahil, S/o Sh. Sareef.**

1. Ld Counsel for the accused has contended that accused was arrested on 21.08.2020 and has already spent more than 15 days in judicial custody.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-
 - a Under trial prisoner is the first time offender;
 - b Under trial prisoner has been arrested or is facing trial for offence



- punishable upto 07 years;
- c Case is triable by Magistrate and
 - d Under trial prisoner is in custody for last 3 months or more;
 - e Under Trial Prisoner undergoing Civil imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
6. Vide Minutes of Meeting dated **07.04.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a Under trial prisoners (UTPs), who are senior citizens **more than 60 years** of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - b Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - c Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for **15 days or more**, facing trial in a case which prescribes a maximum sentence of 7 years or less ;
7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
- a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;
 - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
 - c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
 - d Those UTPs who are foreign nationals ; and



- e Those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / PMLA ; and
 - f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
8. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
- a Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case;**
 - b Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other case;**
 - c Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months** with **no involvement in any other case;**
 - d Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days;**
 - e **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**
 - f **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**
9. It has been submitted by Ld Counsel for the accused that the accused was arrested on 21.08.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.



10. Since the accused fulfils the criteria laid down above, he is hereby released on interim bail for a period of 45 days on furnishing personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.

11. This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.


(Arul Varma)
CMM (Central), Delhi
15.09.2020