

**FIR No. 277/2018**  
**PS: Sarai Rohilla**  
**State Vs. Shivani**  
**U/s 302/364A/120B/34 IPC**

27.08.2020

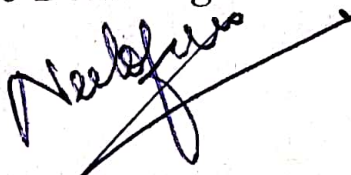
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing).  
Sh. Anil Kumr Jha, Counsel for accused-applicant (through video conferencing)  
Hearing conducted through Video Conferencing.

This is an application for extension of interim bail on behalf of accused Shivani in case FIR No. 277/2018.

It is submitted that accused-applicant was granted interim bail of 30 days vide order dated 24.06.2020 but furnished surety only on 24.07.2020 and released from jail on 27.07.2020 and that the interim bail is going to expire and accused is to surrender on 27.08.2020. Affidavit has been filed on behalf of the accused-applicant and report has also been received in respect of the compliance of all the conditions subject to which interim bail was granted vide order dated 24.06.2020.

The Full Bench of Hon'ble the High Court in W. P. (C) N.3037/2020 titled as **Court on Its Own Motion v. State & Ors.** vide order dated 24.08.2020 has clarified in respect of further extension of interim orders in following words:-

*"2. Taking note of the extraordinary circumstances prevailing at that point of time and taking note of the directions of Hon'ble Administrative and General Supervision Committee of this Court issued from time to time regarding functioning of Delhi High Court and Courts subordinate to Delhi High Court, the directions contained*




*in our order dated 25th March, 2020 were further extended vide our orders dated 15th May, 2020, 15th June, 2020, and 13th July, 2020 and the latest extension is effective till 31<sup>st</sup> August, 2020. Now taking note of the prevalent Covid-19 pandemic situation in Delhi, Hon'ble Administrative and General Supervision Committee of this Court has been pleased to order that the regular functioning of this Court as well Courts subordinate to this Court shall continue to remain suspended till 31<sup>st</sup> August, 2020.*

*4. In view of the above, we hereby further extend the implementation of the directions contained in our orders dated 25th March, 2020, 15h May, 2020, 15h June, 2020 and 13th July, 2020, till 31 October, 2020 with the same terms and conditions."*

**In view of the directions passed by Hon'ble High Court vide order dated 24.08.2020, interim bail of the accused-applicant Shivani is extended till 31.10.2020 on same terms and conditions and same sureties.**

Application stands disposed of.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
27.08.2020

**FIR No. 327/2019**  
**PS: Crime Branch**  
**State Vs. Mohar Singh**  
**U/s 21/29 NDPS Act**

27.08.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Vinod Kumar Verma, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is second application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Mohar Singh on medical grounds.

Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case on false allegations. That accused-applicant is in JC since 04.11.2019. That the accused-applicant is having a past medical history and due to old aged about 45 year old is suffering from many physical ailments, and specially gall bladder disease and as per report of ultrasound is having 6 MM Stone in his gall bladder and is experiencing severe pain in the stomach and requires immediate surgery and effective treatment otherwise it may cause further acute illness, besides lesser immunity and thus, more prone of getting infected by COVID-19 (Novel Corona Virus) That Hon'ble Supreme Court of India in Suo Motu Petition (Civil) No. 1/2020 - In Re: Contagion of COVID-19 vide its orders dated 23.03.2020 and 13.04.2020

*Verlagarun*

discussed as under:-

**"ITEM NO.4:-DETERMINING FRESH CATEGORY OF PRISONERS WHO CAN BE RELEASED ON 'INTERIM BAIL**

Members of the Committee have taken into consideration that on the basis of the criteria adopted earlier, as on date about 2700 inmates/convicts/UTPs have been released on parole/interim bail. advisory issued by the ICMR to the effect that the persons suffering from acute illness have lesser immunity and thus, are more prone of getting infected by COVID 19 (Novel Corona Virus), is of the opinion that the criteria needs to be further relaxed with respect to those prisoners/ UTPs who are suffering from HIV, Cancer, Chronic Kidney Dysfunction(UTPs requiring Dialysis), Hepatitis B or C, Asthma, and TB. On directions of Hon'ble Chairpersons, DG (Prisons) was requested to furnish the information, for the impact analysis qua the proposed relaxed criteria of UTPs suffering from above illness (es). The same is submitted accordingly.

The Members of the Committee discussed the information so provide qua UTPs suffering from above illness(es) and resolved that following categories of prisoners may now be considered for grant of interim bail for 45 days in view of the circumstances in which we are in, preferably on 'Personal Bond':

- (i) Under trial prisoners (UTPs), who are suffering from above mentioned illness(es) and are in custody for three months or more, facing trial in a case which prescribes
- (ii) Under trial prisoners (UTPs), who are suffering from above mentioned illness(es) and are in custody for a period of six months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less;
- (iii) UTP who are suffering from above mentioned illness(es) and are in custody for a period of six months or more and facing trial in a case which prescribes punishment of 10 years upto life imprisonment and are not involved in multiple cases.

It has further been resolved that following category of UTPs, even if falling in the above criterion, should not be considered :

- (i) Those inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;
- (ii) Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
- (iii) Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
- (iv) Those UTPs who are foreign nationals;
- (v) Those under trial prisoners who are facing trial under Prevention



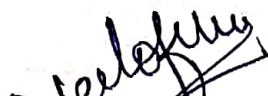
*of Corruption Act (PC Act) / PMLA, MCOCA ;  
(vi) Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police,  
Crime Branch, SFIO, Terror related Cases, cases under Anti National  
Activities and Unlawful Activities (Prevention) Act etc."*

That the case of the accused-applicant falls squarely under the above category (ii) which states that UTPs who are suffering from above mentioned illness(es) and are in custody for a period of six months or more and facing trial in a case which prescribes punishment of 10 years upto life imprisonment and are not involved in multiple cases. In support of his contentions, Ld. counsel has referred to decision in **Dataram Singh v. State of UP & Ors** decided by Hon'ble Apex Court on 06.02.2018; **Sanjay Chandra v. Central Bureau of Investigation** (2012) 1 SCC 49; **Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.** (2010) 14 SCC 496 and **Arvind Kumar v. State of Delhi** decided by Hon'ble High Court of Delhi on 01.06.2020.

Ld. Addl. PP, on the other hand submitted that the case pertains to recovery of 600 gms of Ganja ie intermediate quantity of the contraband and that ~~is~~ <sup>is</sup> accused ~~is~~ in custody since 4.11.2019 and that as per medical health status report furnished by the Jail Superintendent, medical health condition of the accused-applicant is stable and there is no such abnormality as alleged in the present applicant has been found as per the medical report. That all medicines are being provided in the Jail and no surgery of any kind has been advised.

Heard.

As it was contended on behalf of the accused-applicant that

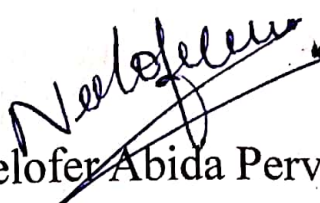


the accused applicant <sup>is</sup> suffering from unbearable pain in the stomach due to stone in his gall bladder detected prior to his arrest which is required to be immediately operated upon Report was called from the Jail Superintendent concerned in respect thereof. As per the report of the Medical Officer Incharge, Central Jail No.9, the accused on 08.08.2020 had presented at Dispensary Central Jail No. 8/9 with complaint of Burning Micturition, he was examined and advised medications accordingly. That on 25.08.2020 inmate patient was called at Dispensary Central Jail No. 8/9 for medical examination in pursuance to the directions issued by the Court in the present Bail application, and he complained of decreased urine flow, increase frequency of urine since 01 year, he gave history of vasectomy 20 years back and he gave no history of pain in abdomen, he was examined and on examination vitals are PR-72bpm, BP-121/71 mm/hg, RBS- 142 mg/dl, systematic examination was found within normal limits and was advised Urine Investigation, medications accordingly and also advised to be reviewed with SR Surgery and same has been planned and that at present, the general condition of inmate is stable and all prescribed medication are being provided to him from Jail Dispensary Itself.

There is no such complaint made by the accused of any pain in the abdomen, or stone in the Gall bladder and hence no such investigation and conclusion finds mention in the medial report. The accused has been advised Urine Investigation and review with SR Surgery which has been planned. There is no report of any surgery having been advised or planned,



there is no mention of any surgical procedure for removal of gall bladder stones. Presently it appears that the accused is not suffering from any physical discomfort arising from gall bladder stones otherwise the accused when examined on 25.8.2020 would have complained of pain in the abdomen. Ld. Counsel has reproduced portion from the guidelines which as it is has been incorporate din the present order as part of submissions made on behalf of the accused-applicant which itself clearly shows that the same do not apply to UTP's facing trial in cases involving intermediate or commercial quantity under the NDPS Act and the accused is facing trial for possession of intermediate quantity of Ganja under the NDPS Act. All prescribed medication is being provided in the jail, there is no surgery advised or planned at present, no such medical condition requiring surgery is diagnosed as on date, no complaint of any physical discomfort arising from gall bladder stones has been made by the accused in the course of his medical examination on 25.8.2020, in such circumstances no case is made out for grant of interim bail to the accused-applicant on medical grounds. The case law cited has no bearing on the ground raised in the present application for grant of interim bail. In Arvind Kumar's case interim bail was granted in a POCSO matter as the UTP was suffering from breathing issues thereby rendering him susceptible in the pandemic situation. The application is accordingly dismissed.

  
(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi  
27.08.2020

**FIR No. 327/2019**  
**PS: Crime Branch**  
**State Vs. Mohar Singh**  
**U/s 21/29 NDPS Act**

27.08.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Vinod Kumar Verma, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application on behalf of accused-applicant Mohar Singh seeking permission to interact with his family members in Jail.

Report of Jail Superintendent is received in respect of the averments made in the application. It is submitted in the report that the process of physical Mulakat of the inmates with family members/relatives has been suspended in wake of the prevailing scenario of COVID-19 pandemic. That all the prisoners are permitted to communicate with their family members for duration of five minutes every day by availing Inmate Phone Call Facility. That the process of e-Mulakat has already been initiated and will commence shortly upon setting up of the requisite infrastructure. That the process of physical Mulakat with the family members/relatives will resume only upon relaxation in the presently prevailing COVID 19 protocols.


In view of the report received, no further probe is required.

The accused-applicant may provide the phone number to the ajail official

*Mulakat*



concerned for availing of Inmate Phone Facility everyday for five minutes as per rules. The present application is disposed of in view of the report received.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
27.08.2020

**FIR No. 91/2018**

**PS: Kotwali**

**State Vs. Sachin**

**U/s 342/395/397/412/120B IPC and 25/27/54/59 Arms Act**

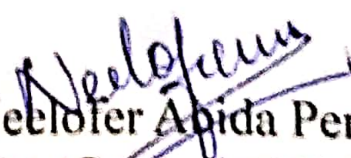
27.08.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State(through video conferencing)

None for accused-applicant

Today, matter is fixed for orders on bail application. At the time of passing of the order when the record is gone through, it emerges that Jail Superintendent in respect of conduct of accused-applicant simpliciter has filed the report that conduct has been unsatisfactory, however, the record in respect of the punishment ticket has not been annexed alongwith report. Jail Superintendent is directed to furnish copy of record in respect of the punishment awarded to the accused-applicant for the purpose of present application of interim bail.

For Report and consideration, put up on **03.09.2020**.

  
(Neelofar Aqida Perveen)  
ASJ (Central)THC/Delhi  
**27.08.2020**

FIR No. 88/2019  
PS: NDRS  
State Vs. Abhishek  
U/s 363/365/342/384/323/34 IPC

27.08.2020

Fresh bail application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing).  
Sh. Sunil Kumar, Counsel for accused-applicant (through video conferencing)  
Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused Abhishek in case FIR No. 88/2019

Reply is filed.

Arguments heard in part. Ld. Add. PP for State submits that chargesheet has been filed and in order to assist the Court properly, chargesheet is required to be gone into.

For further arguments, put up on 04.09.2020.

*Neelofar*  
(Neelofar Abida Perveen)  
ASJ (Central) IHC/Delhi  
27.08.2020