

SC No.13/2021
FIR No.171/2017
PS Lahori Gate
U/s 302 IPC
State Vs. Amjad

09/07/2021

File taken up today on the application u/s. 439 Cr.P.C. of accused Amjad for grant of interim bail for the period of 90 days as per HPC guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
SI Manmeet Malik is present (through V.C.).
Mr. Yatender Kumar, Ld. Legal Aid Counsel for the accused Amjad (through V.C.).

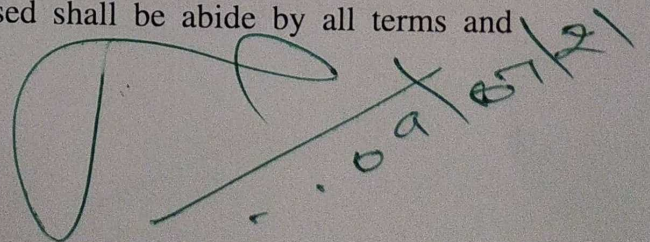
Ahlmad is absent.

Further reply has been filed by SI Manmeet Malik.

By way of present order, this Court shall disposed of interim bail application of the accused Amjad for the period of 90 days.

Arguments heard on the aforesaid interim bail application of accused Amjad. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, the accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria no. (xii) of minutes of HPC guidelines dated 11/05/2021. It was further submitted that the accused is in J/C in the present case for the period of more than three years and nine months and jail conduct of the accused during last one year is satisfactory. It was further submitted that the accused shall be abide by all terms and


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ations, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed. It was further submitted that as per report of the IO, the accused is previously involved in six cases and he has already been convicted in four cases. It was further submitted that in criteria no. (xii) of the minutes of H.P.C. guidelines dated 11/05/2021, it is specifically mentioned that there shall be no involvement in any other case and in view of the same, the aforesaid interim bail application of the accused is not maintainable and same be dismissed.

It is mentioned in the minutes of H.P.C. guidelines dated 11/05/2021 that:-

“(xii) 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.”

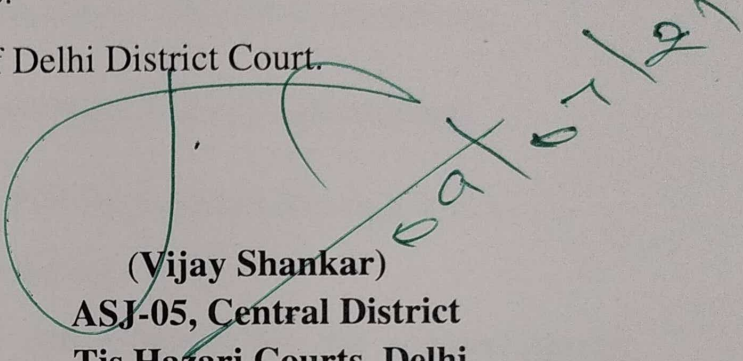
In the present case, charge for the offence u/s 302 IPC has already been framed against the accused. As per criteria no. (xii), there shall be no involvement in any other case. As per report of IO, the accused is stated to be previously involved in six cases and he has already been convicted in four cases. It is specifically mentioned in criteria no. (xii) that there shall be no involvement in any other case. In view of the same, the case of the accused does not fall in aforesaid criteria no. (xii) of minutes of H.P.C. guidelines dated 11/05/2021. It is also mentioned in the report of Jail Superintendent that overall jail conduct of the accused is “unsatisfactory”. In view of the criteria/recommendations of minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021, the present interim bail application of the accused is not maintainable. Keeping in view the directions dated 07/05/2021 passed by the Hon’ble Supreme Court of India and H.P.C. guidelines dated 04/05/2021 and 11/05/2021, facts and circumstances of the case, gravity of offence, nature of serious allegations levelled against the accused and jail conduct of the accused, this Court is of the

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Order opinion that no ground for interim bail of accused is made out. Accordingly, the present interim bail application of accused Amjad is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

Order be uploaded on the website of Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
09/07/2021(A)