

Hitender Singh @ Chhotu vs State Of Nct Of Delhi on 2 June, 2021

Author: Siddharth Mridul

Bench: Siddharth Mridul, Anup Jairam Bhambhani

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 643/2020

HITENDER SINGH @ CHHOTU

..... Appe

Through Mr. Lalit Valecha, Mr. R.K. Gossai

Mr. Sadaf Iliyas Khan, Advocates.

versus

STATE OF NCT OF DELHI

..... Resp

Through Ms. Aasha Tiwari, APP for the Sta

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 02.06.2021 The present matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

CRL.M.(BAIL) 655/2021 (Interim Bail) The present application under section 482 of the Code of the Criminal Procedure, 1973 has been instituted on behalf of the applicant/appellant, namely Hitender Singh alias Chhotu, who is a convict serving life sentence in SC No. 327/2019 titled 'State v. Hitender Singh @ Chhotu', arising from case FIR No. 356/2007 registered under section 302/120B IPC at P.S.:Hauz Qazi, and whose appeal is pending before this court, seeking interim suspension of sentence and release on interim bail.

Interim suspension of sentence is sought on the ground that the applicant/ appellant's mother, who is aged about 70 years, and had undergone angiography recently at Batra Hospital, New Delhi, has subsequently been admitted to hospital twice due to various ailments; and that his father, who is aged about 75 years, has undergone prostrate surgery a few months ago and is also suffering from various old-age ailments.

It is further recited in the application that the applicant/appellant's mother had tested Covid 'Positive' earlier-on and though she has now recovered from that ailment, she is still convalescing; but that on 18.05.2021 the applicant/appellant's father and wife have tested Covid 'Positive' and are

presently in home isolation.

Status reports dated 26.05.2021, 27.05.2021 and 01.06.2021 have been filed in the matter, which in sum and substance, confirm the veracity of the previous medical history of the applicant/appellant's parents as also the Covid 'Positive' status of his father and wife.

An updated nominal roll dated 01.06.2021 received from the Jail Superintendent shows that the applicant/appellant has undergone judicial custody for about 12 years and 04 months, most of it as an undertrial; that though there are 07 other criminal cases registered at various police stations in Delhi and Uttar Pradesh in which he is implicated, he is on bail in all those cases; that his overall jail conduct is 'satisfactory' and he is serving as 'ward sahayak' in prison.

Mr. Lalit Valecha, learned counsel appearing on behalf of the applicant/appellant submits that considering that the latter's father and wife are both in home isolation; and his mother is still recovering from the after effects of a coronavirus infection; and the fact that the applicant/appellant has already undergone incarceration of about 12 years and 04 months, without any relief except a brief period of interim bail of about 10 days in the year 2016 when he was still an undertrial, some respite may be given to the applicant/appellant to be with his family and help them in the present trying circumstances.

Upon an overall conspectus of the facts and circumstances of the case, we allow the present application and grant to the applicant/appellant interim suspension of sentence for a period of 04 weeks from the date of his release; and direct that he shall be enlarged on interim bail subject to the following conditions:

(i) The applicant/appellant shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 local surety in the like amount, to the satisfaction of the Jail Superintendent;

(ii) During the period of interim bail, the applicant/appellant shall not leave the jurisdiction of PS : Loni, Ghaziabad, Uttar Pradesh, without prior permission of this court, except to surrender before the Jail Authorities in Delhi; and shall ordinarily reside at his residential address as per prison records;

(iii) The applicant shall present himself before the S.H.O., PS :

Loni, Ghaziabad, Uttar Pradesh, every Monday between 11:00 a.m. and 12:00 noon to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;

(iv) The applicant shall furnish to the S.H.O, PS : Hauz Qazi a cellphone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

(v) Lastly, the applicant/appellant shall surrender before the jail authorities, upon expiry of the period of interim suspension of sentence, without demur.

With the above directions, the application is disposed of. A copy of this order be communicated to the Jail Superintendent, Central Jail, Tihar, through e-mail, for necessary information and compliance.

A copy of this order be also furnished to learned counsel appearing on behalf of the parties, through e-mail and also be uploaded on the website of this court forthwith.

SIDDHARTH MRIDUL, J ANUP JAIRAM BHAMBHANI, J JUNE 02, 2021/rs Click here to check corrigendum, if any