

# Kunwar Manoj Bhatia @ Bunty vs State Of Nct Of Delhi on 7 August, 2020

**Author: Anup Jairam Bhambhani**

**Bench: Anup Jairam Bhambhani**

via Video-conferencing

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ BAIL APPL. 1057/2020

KUNWAR MANOJ BHATIA @ BUNTY ..... Applicant  
Through: Mr. Varinder Singh Dhiman, Adv.  
versus  
STATE OF NCT OF DELHI ..... Respondent  
Through: Ms. Neelam Sharma, APP for the  
State.  
CORAM:  
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI  
ORDER

% 07.08.2020 The applicant, who is an undertrial in case arising from FIR No. 526/2019 dated 24.10.2019 registered under sections 302/34 IPC at PS :

Jahangir Puri, Delhi, seeks interim bail on medical grounds.

2. Notice in this application was issued on 29.05.2020.

3. A reply dated 'nil' and status reports dated 10.07.2020, 23.07.2020 and 06.08.2020 have been filed in the matter.

4. SCRB record dated 20.07.2020 has also been filed.

5. Nominal rolls dated 05.06.2020, 15.06.2020 and 27.06.2020 along with medical status report dated 20.07.2020 have been received from the Jail Superintendent.

6. Since a larger issue of lack of accuracy and consistency as between status reports, nominal rolls and SCRB records also arose in this petition, certain other reports, including one dated 20.07.2020 by the DCP, SCRB have also been filed. A perusal of the nominal rolls also shows discrepancies as between the cases disclosed by the jail authorities within their own system.

7. The medical status report confirms that the applicant is a diagnosed case of HIV-positive with diabetes mellitus and hypertension, and is under treatment in the jail facilities. It follows therefore that the applicant falls within the highly vulnerable category of prisoners susceptible to coronavirus

infection during the prevailing pandemic.

8. However, since the applicant's SCRB report disclosed involvement in 19 cases, spanning 1991 to 2019, this court called for further status reports and verification of his antecedents.

9. Mr. Varinder Singh Dhiman, learned counsel for the applicant submits that the SCRB record does not reflect the current status of the cases, since as of date only 03 cases are pending against the applicant. Counsel has filed various judgments and orders in other cases, to show that they are no longer pending.

10. By last order dated 30.07.2020, based on the applicant's offer that he is willing to place the original title deeds of properties he owns with the Investigating Officer as one of the conditions for grant of interim bail, Ms. Neelam Sharma, learned APP submits that such title deeds have been verified; and although they do not disclose 'freehold' ownership of the concerned properties, it stands verified that at least two properties namely C-1747 and C-1765 Jahangir Puri, Delhi stand in the applicant's name, with general powers of attorney, will etc being registered in the applicant's name in the records of the concerned Sub-Registrar of Assurances. Statements of the neighbours, verifying the fact that the applicant has been staying at his residential address as per prison records for the past 20-22 years, have also been recorded and enclosed with the status report. Original documents relating to the aforesaid properties have already been taken into possession by the Investigating Officer against seizure memo.

11. While leaving the larger question of discrepancies in status reports, nominal rolls and SCRB records pending and without disposing-of the present matter only on that count, upon an overall conspectus of the facts and circumstances of the case, this court is persuaded to grant to the applicant interim bail on medical grounds for a period of 45 (forty-five) days from the date of his release, on the following conditions :

- a) The applicant shall furnish a personal bond in the sum of Rs. 5,00,000/- with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent ;
- b) The applicant shall not leave the State of Delhi without permission of the court and shall ordinarily reside in his place of residence as per prison records ;
- c) The applicant shall furnish to the I.O./concerned SHO a cell phone 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 ;
- d) The applicant shall present himself before I.O./SHO on every Wednesday between 11:00 am and 11:30 am to mark his presence. However he shall not be kept waiting for more than an hour for this purpose;

e) The original title deeds of the properties seized by the Investigating Officer shall be kept in the I.O.'s custody until the applicant surrenders back to custody; and shall not be returned without obtaining orders from this court ;

f) If the applicant has a passport, he shall also surrender the same to the Jail Superintendent ;

g) The applicant shall not contact nor visit nor offer any inducement, threat or promise to the first informant/ complainant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the matter ; and

h) Upon expiry of the period of interim bail, the applicant shall duly surrender before the concerned Jail Superintendent.

12. Nothing in this order shall be construed as an expression on the merits of the pending matter.

13. The application is kept pending on the aspect of the other issues that arise, as recorded above.

14. A copy of this order be sent to the Jail Superintendent.

15. List on 27th August 2020.

ANUP JAIRAM BHAMBHANI, J.

AUGUST 07, 2020/uj