

## Rohit @ Pehlwan vs State Govt Of Nct Of Delhi on 25 July, 2022

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ BAIL APPLN. 2203/2022  
ROHIT @ PEHLWAN

..... Petitioner  
Through: Mr. Rajesh Kumar and Mr.  
Jain, Advs.

versus

STATE GOVT OF NCT OF DELHI

..  
Through: Ms. Priyanka Dalal, APP  
SI Sandeep, PS Kanjhawala

CORAM:  
HON'BLE MS. JUSTICE POONAM A. BAMBA  
ORDER

% 25.07.2022 CRL.M.A. 14109/2022(Application for exemption from filing certified copies of annexures) 1.0 Allowed, subject to just exception. Application is disposed of accordingly.

2.0 Vide this application u/s 439 Cr.P.C, the petitioner has sought extension of interim bail in case FIR no. 590/2021, under Sections 302/120- B/34 IPC, PS Kanjhawala, for a period of 2 months to enable him to take care of his ailing father and to provide best medical treatment to him from expert/specialized doctors/hospital.

3.0. Vide order dated 28.06.2022, the petitioner was granted interim bail for a period of 3 weeks from the date of his release as his father is suffering from Carcinoma Penis (Post-Op).

3.1. It is submitted that the petitioner was released from Judicial custody on 04.07.2022 and period of interim bail of 3 weeks is expiring today.

4.0. Status report not filed.

4.1. Ld. Prosecutor has now handed over a copy of the status report.

4.2. Registry is directed to scan the same and make it part of the record.

5.0. Ld. Prosecutor submits that the petitioner's father is not hospitalized and is not even taking any treatment as per the doctor's report.

5.1. Ld. Prosecutor also submits that during the period of interim bail, a complaint has been received from Sh. Balwan Singh, father of the complainant in case FIR no. 232/2021 dated 23.04.2021 under Sections 323/341/506/34 IPC, PS Bawana to the effect that threats are being extended by the petitioner ; and the said complaint is under investigation.

6.0. In rebuttal, ld. counsel for the petitioner submits that though petitioner's father is not responding to the treatment, still treatment is being provided to him. He also submits that the petitioner is the only male member, whose presence is required to take his father to toilet etc. and to provide other assistance.

6.1. With respect to the allegations of threatening in other FIR, ld. counsel for the petitioner submits that there is a cross FIR no. 231/2021 dated 23.04.2021 under Sections 323/341 IPC, against Sagar Lamba, son of the aforesaid complainant Sh. Balwan Singh, registered on the complaint of the petitioner herein ; and that the said accused/complainant's son Sagar Lamba is still in judicial custody in that case. Ld. counsel for the petitioner submits that in view of his son being in judicial custody, it was actually the petitioner, who was threatened by complainant Sh. Balwan Singh, (Sagar Lamba's father) that he shall ensure that the petitioner also remains in jail and has lodged a false complaint.

7.0. Status report filed by the State mentions that :-

"As per the reply, patient Bharat Bhushan is not admitted in the hospital and last visited the hospital on 20.07.2022 in the OPD. Patient is undergoing treatment for Carcinoma Penis, present condition - Stage - IV (Post-op). As per the available records of the hospital the patient does not require any surgery/operation or any urgent treatment. On asking specifically about the present medical condition of the patient, the doctor has stated - „As per patient's condition, he is not responding to any treatment either Chemo or Radiation, hence falls in the category of palliation'. Though, he is not on any kind of life supporting system"

7.1. Similar was the report given vide status report dated 23.06.2022 as find recorded in order dated 28.06.2022.

8.0. The fact that there are cross FIRs registered at the instance of petitioner herein and that of accused Sagar Lamba (son of the complainant) i.e. FIR no. 231/2021 and FIR no. 232/2021, respectively, is not disputed. Complaint dated 08.07.2022 (as referred to in the status report) regarding threat being extended by the petitioner is made by Sh. Balwan Singh, father of accused Sagar Lamba. Said complaint is not annexed. Ld. Prosecutor requests for time for placing the same on record and submits that same is under investigation.

9.0. In view of the above facts and circumstances and considering that the petitioner's father is suffering from Stage-IV, Carcinoma Penis (Post-Op) and the petitioner is stated to be the only male member to assist his father in daily functions, taking him to toilet etc, interim bail granted to the petitioner vide order dated 28.06.2022 is extended till the next date of hearing on the same terms and conditions as detailed in the said order.

10.0. List on 05.08.2022.

11.0. Copy of this order be given dasti under the signatures of the Court Master.

POONAM A. BAMBA, J JULY 25, 2022/chandan Click here to check corrigendum, if any