

# Sh. Sandeep Kumar Sood vs State Govt. Of Nct Of Delhi on 2 December, 2021

**Author: Mukta Gupta**

**Bench: Mukta Gupta**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3100/2021

SH. SANDEEP KUMAR SOOD

.... Pet

Represented by: Mr. Tushar Mudgil, Advocate

versus

STATE GOVT. OF NCT OF DELHI

.... Respon

Represented by: Mr. Ravi Nayak, APP for the

with SI Ombir Dabas, PS Cr

Branch.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% 02.12.2021 The hearing has been conducted through Video Conferencing. CRL.M.A. 19256/2021 (exemption)

1. Exemption allowed subject to just exceptions.

2. Application is disposed of.

1. By this petition the petitioner seeks setting aside of the order dated 26th November, 2021 passed by the learned CMM, whereby the learned CMM, Central came to the conclusion that since the applications of the petitioner for extension of interim bail was dismissed and the petitioner was directed to surrender to jail within 7 days, the petitioner has not surrendered. Thus the learned CMM directed initiation of appropriate proceedings against the petitioner and other accused excluding Muddassir Habib for not surrendering in jail within the time.

2. Learned counsel for the petitioner submits that the petitioner was granted interim bail in terms of the HPC guidelines as was granted to co-accused Muddassir Habib by this Court vide order dated 9th July, 2021 and thus claiming parity, the petitioner was not required to surrender to custody.

3. This Court vide order dated 9th July, 2021 in BAIL APPL.2094/2021 granted interim bail to the co-accused Muddassir Habib in case FIR No.2/2021, under Sections 420/468/471/506/120-B and 34 IPC on HPC guidelines. In the said order this Court relied upon decision in Mohsin Khan vs State of NCT of Delhi, reported as MANU/DE/1547/2020, and held that the co-accused Muddassir Habib

fulfils the requirement of HPC guidelines dated 4th May, 2021 and 11th May, 2021 and thus granted him interim bail for a period of 90 days from the date of his release.

4. Thereafter the petitioner on parity also sought interim bail from the learned Trial Court. The learned trial court held that since the matter was investigated by the Crime Branch and that the petitioner was involved in one more case in Rajasthan, the petitioner's case would not fall under the category of HPC guidelines, however, otherwise the Court had the power to grant bail to the petitioner and thus directed the petitioner to be released on interim bail for a period of 90 days on his furnishing personal bond and surety bond with the specific direction to the petitioner to surrender on the expiry of the interim bail before the concerned jail.

5. Besides challenging the order dated 26th November, 2021 directing the petitioner to surrender, the petitioner also seeks extension of interim bail on the ground of HPC guidelines because one of the co-accused has been released on the HPC guidelines. Undoubtedly, co-accused Muddassir Habib has been released on HPC guidelines, however, considering the present situation of covid when the things are under control and all Institutions are opening up, this Court finds no ground to extend the interim bail granted to the petitioner on HPC guidelines.

6. Learned counsel for the petitioner had also sought extension of interim bail on medical ground for the treatment of Kidney from Chandigarh which the court declined and the learned CMM vide order dated 21st October, 2021 directed the petitioner to surrender to jail within 7 days that is till 28th October, 2021 and despite this specific direction the petitioner has failed to surrender.

7. Since the petitioner was granted interim bail on a specific stipulation to surrender after the expiry of the interim bail for a period of 90 days and the petitioner was not granted interim bail on HPC guidelines but otherwise, this Court finds no error in the impugned order dated 26th November, 2021 noting that the petitioner was required to surrender on the expiry of the interim bail granted to the petitioner.

8. Petition is dismissed.

9. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

DECEMBER 02, 2021 vk