

Rahima vs The State Gncet Of Delhi on 1 September, 2023

Author: Dinesh Kumar Sharma

Bench: Dinesh Kumar Sharma

\$~4, 8, 11, 12, 26, 31

* IN THE HIGH COURT OF DELHI AT NEW DELHI

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+ BAIL APPLN. 2612/2022
RAHIMA

Through:

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THE STATE GNCT OF DELHI

Through: Mr.Amit Sahni, APP
with Mr.Ankur, Mr.
and Mr.Vaibhav Mis
SI Murari Krishan,
Delhi

8

+ BAIL APPLN. 2708/2023
RAMINDER SINGH

Through:

ve

STATE GOVT OF NCT

Through:

11

+ CRL.REV.P. 48/2022
MOHAMMAD AKBAR

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STATE

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CRL.REV.P. 338/2022
ABDULLAH NAJIBULLAH @ NABI

STATE

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CRL.REV.P. 578/2023
RAJI

THE STATE NCT OF DELHI

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CRL.REV.P. 391/2022
SHAMBHU SINGHANIA @ VISHAL

STATE (NCT OF DELHI)

CORAM:

% 01.09.2023 Learned counsels for the petitioners in item No.4 i.e. BAIL APPLN. 2612/2022 and item no.8 in BAIL APPLN. 2708/2023 have submitted that though the charge sheet has been filed, however, the FSL report has yet not been filed and therefore the petitioners are entitled to be admitted to interim bail in view of the order dated 28.07.2023 of the Supreme Court in Arif Khan vs. State in Special Leave to Appeal (Crl.) No.8610/2023, order dated 17.04.2023 in Suleman vs. The State (Govt. of NCT of Delhi) in Special Leave to Appeal (Crl.) No.1929/2023 and order dated 01.05.2023 in Divyas Bardewa vs. Narcotics Control Bureau in Special Leave to Appeal (Crl.) No.11628/2022.

In item no.11 i.e. CRL.REV.P. 48/2022, item no.12 i.e. CRL.REV.P. 338/2022, item no.26 i.e. CRL.REV.P. 578/2023 and item no.31 i.e. This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 16/09/2023 at 15:38:25 CRL.REV.P. 391/2022 the contentions of the learned counsel for the petitioners are that though the charge sheet was filed within the stipulated period but the FSL report was filed much beyond the period of 180 days and therefore the petitioner are entitled to be admitted to interim bail in the light of the above stated judgments.

Learned counsels for the petitioners have also submitted that this court had also granted interim bail in Crl.Rev.P.471/2023 titled as Amanpreet Kaur @ Preeti (in JC) vs. State vide order dated 28.04.2023 following the order of the Supreme Court in Mohd. Arbaz vs. State of NCT of Delhi, SLP (Crl.)8164-8166/2021 and order of coordinate bench of this court in Crl.Rev. P.135/2023 titled as Gurjeet Singh vs. State of NCT of Delhi.

Learned counsels for the petitioners have also submitted that the High Court of Punjab and Haryana have followed the judgment of Mohd. Arbaz (supra) in the Judgment dated 11.02.2022 in Joginder Singh vs. State of Haryana, Crl.Misc.No.M-48705 of 2021, judgment dated 17.02.2022 in Ajaib Singh vs. State of Haryana, CRR-40-2022 (O&M) and in the judgment dated 01.06.2022 Rohtas @ Raju vs. State of Haryana in CRR-933 of 2022 (O&M).

Mr. Amit Sahni and Mr. Hemant Mehla, learned APPs for the State have opposed the grant of interim bail and have submitted that the investigating agency has already filed the charge sheet in all the above cases and the petitioners are not entitled to bail in view of the judgment of this court in Kishan Lal vs. State Crl.W.P.No.622/1988, Babu vs. State (1951)2 SCR 729, Mehabub Rehman @ Empha vs. State Crl.Rev.P. 340/2020 and Suleman vs. State Crl.Rev.P. 351/2020. Learned APPs have also submitted This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 16/09/2023 at 15:38:25 that order of Mohd. Arbaz (supra) passed by the Hon'ble Supreme Court was considered by the Sikkim High Court in Anwar Alam vs. State of Sikkim and declined the relief of bail on the ground

that the charge sheet has already been filed within the statutory period regardless of the admitted fact of absence of FSL report. Learned APPs have also relied upon the judgment of the Supreme Court in Judgebir Singh @ Jasbir Singh Samra @ Jasbir & ors. vs. NIA (UAPA) Crl.A.No 1011/2023 Arguments heard.

Judgment reserved.

DINESH KUMAR SHARMA, J SEPTEMBER 1, 2023/rb This is a digitally signed order.

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