

Kartar vs The State (Govt. Of N.C.T. Of Delhi) on 21 June, 2021

Author: Anup Jairam Bhambhani

Bench: Anup Jairam Bhambhani

via Video

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2018/2021
KARTAR

Through: Mr. Chetan, Advocate.

versus

THE STATE (GOVT. OF N.C.T. OF DELHI) Respondent
Through: Ms. Meenakshi Dahiya, APP for t
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER

% 21.06.2021 The applicant, who is an undertrial in case F.I.R. No. 663/2018 dated 29.10.2018 registered under sections 302/307/34 IPC read with sections 25/27 Arms Act at PS : Nand Nagri, seeks interim bail relying upon the guidelines of the Higher Powered Committee as recorded in its Minutes of Meeting dated 11.05.2021.

2. Notice in this application was issued on 11.06.2021; whereupon the State has filed status report dated 18.06.2021 along with SCRB record dated 18.06.2021; also annexing a copy of order dated 17.04.2018 of the learned ASJ whereby the applicant had been admitted to bail in different case bearing F.I.R. No. 81/2014 registered under sections 323/354- B/436/506/457/34 at P.S.: Nand Nagri, New Delhi, Nominal Roll dated 18.06.2021 has also been received from the Jail Superintendent.

3. The court has heard Mr. Chetan, learned counsel appearing for the appellant and Ms. Meenakshi Dahiya, learned APP appearing for the State.

4. Mr. Chetan places reliance upon criterion no. (xii) added by the HPC vide its Minutes of Meeting dated 11.05.2021, which adds two additional criteria on which interim bail may be considered for undertrial prisoners in addition to the 11 criteria adopted by the HPC vide its Minutes of Meeting dated 04.05.2021. Criterion No. (xii) reads as under.

Undertrial prisoners (UTPs) facing trial for a case under section 302 IPC and are in jail for than 2 years with no involvement in any other case.

5. Mr. Chetan points out that vide Minutes of Meeting dated 11.05.2021 the HPC has further resolved however, that an undertrial prisoner falling within any of the criteria, including criterion no. (xii) aforesaid, who has 03 or more criminal cases pending against him shall not be considered for grant of interim bail; implying thereby that even if the applicant has 01 more case pending against him, that would not stand in the way of grant of interim bail to him, especially since the applicant has already been admitted to regular bail in the said other F.I.R. vide order dated 17.04.2018 annexed with the status report.

6. Nominal Roll dated 18.06.2021 received from the Jail Superintendent shows that the applicant has already undergone more than 2 years and 5 months of imprisonment as an undertrial; that his jail conduct has been 'satisfactory'; and that F.I.R. No. 81/2014 referred to above is the only other case pending against him.

7. Upon a conspectus of the foregoing facts and circumstances, this court is inclined to grant to the applicant interim bail for a period of 60 days from the date of his release, subject to the following conditions:

(a) The applicant shall furnish a personal bond in the sum of Rs.

20,000/- (Rs. Twenty Thousand Only) with 01 local 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 at the address as per prison records;

(c) The applicant shall present himself before the Investigating Officer/S.H.O. of PS: Nand Nagri every Friday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;

(d) The applicant shall furnish to the Investigating Officer/S.H.O 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;

(e) If the applicant has a passport, he shall surrender the same to the Jail Superintendent and shall not travel out of the country without prior permission of learned trial court;

(f) The applicant shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. 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 pending trial.

(g) Upon expiry of the period of interim bail, the applicant shall surrender before the Jail Superintendent.

8. The present bail application is disposed of in the above terms.
9. Other pending applications, if any, also stand disposed of.
10. A copy of this order be sent to the concerned Jail Superintendent.

ANUP JAIRAM BHAMBHANI (VACATION JUDGE) JUNE 21, 2021 ds