

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **Bail Application No.2590/2008**

% **Date of Decision: 24.12.2008**

Raj Kumar Sharma Petitioner
Through Mr.K.B. Andley, Sr. Advocate with
Mr.Vikas Sharma, Advocate

Versus

State of Delhi Respondent
Through Mr.Sanjay Lao, APP for the State along
with Inspector Rajesh Kumar, P.S. New
Ashok Nagar.

CORAM:
HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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The petitioner seeks interim bail on the ground that his wife is suffering from a number of ailments including heart ailments, seizure disorder, sever blood sugar, metabolic syndrome and angina.

The petitioner contended that he was granted interim bail on account of the aforesaid ailments of his wife on 15th October, 2008 for two weeks which was further extended for two weeks pursuant to the order passed in Bail Application No.2029/2008. The petitioner had filed yet another Bail Application No.2440/2008 for interim bail for enabling him to get requisite medical tests of his wife conducted. On

the said application by order dated 3rd December, 2008 petitioner was given interim bail till 15th December, 2008.

The petitioner contends that his wife continues to be ill and, therefore, extension of interim bail was sought, however, the application was dismissed by order dated 16th December, 2008 on the ground that the blood sugar level of the wife of the petitioner was very high and consequently the tests for which the petitioner was seeking interim bail could not be conducted and therefore the petitioner had surrendered on 16th December, 2008.

The petitioner now contends that tests of his wife are fixed for 26th December, 2008. Learned counsel has further contended that further tests are fixed for 6th January, 2009 and 9th January, 2009. It is further stated that the petitioner has not exploited the liberty granted to him earlier in any way.

The status report is filed on behalf of respondent. Learned APP has drawn my attention to the cases in which the petitioner is involved. Perusal of these cases, however, reveals that they were pending even at the time earlier interim bail petitions were filed by the petitioner and considered by this Court. Despite his involvement in other cases, petitioner was released on interim bail on account of the medical condition of his wife. Learned APP has also contended that HB A/C test of the wife of the petitioner is not fixed for 26th December, 2008, however, it is fixed for 6th January, 2009 and for that purpose one adult relative is required along with the patient. Regarding the MRI tests, it

is contended that they were fixed for 5th December, 2008 and 17th December, 2008 but the patient never reported for such tests on those dates.

The petitioner has contended that TMT test of his wife is fixed for 26th December, 2008 and not the HB A/C tests. Rather learned counsel for the petitioner has contended that HB A/C test is fixed for 6th January, 2009 and another test is fixed for 9th January, 2009 and in the circumstances interim bail is sought till 9th January, 2009.

At the instance of the counsel for the complainant, learned APP has also relied on the alleged complaint dated 4th December, 2008 of Shri Yashwant Kaushik, addressed to SHO, New Ashok Nagar, Delhi. Perusal of the complaint reveals that the allegations are generic without any particulars. In any case, if the complaint against the petitioner was received on 4th December, 2008 and since the petitioner was on interim bail pursuant to order dated 3rd December, 2008 in Bail Application No.2440/2008 categorically stipulating that in case it is found that the petitioner is misusing the concession of his interim bail, then the State would have the liberty to get this order revoked. The petitioner was on interim bail till 16th December, 2008 and despite the specific order by this Court, pursuant to alleged complaint dated 4th December, 2008, the State did not seek revocation of interim bail granted to the petitioner.

In the totality of facts and circumstances, without commenting on the merits of the case and in view that the petitioner was earlier also

released on interim bail on account of the illness of his wife and the petitioner has not exploited the liberty granted to him, the petitioner is granted interim bail till 10th January, 2009 from the date of his release, subject to his furnishing personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the concerned court/vacation Judge.

The petitioner is directed not to temper with the evidence and not to visit NOIDA and not to leave Ram Manohar Lohia Hospital during the period of his interim bail. The terms and conditions imposed are the same as were imposed while granting interim bail to the petitioner earlier. The petitioner shall also report to the concerned police station every day. The State shall be at liberty to seek revocation of the interim bail of the petitioner in case the petitioner is found misusing the concession granted to him.

With these directions, the petition is disposed of.

A copy of this order be given dasti under the signatures of the Court Master of this Court.

December 24, 2008
'rs/Dev'

ANIL KUMAR
(Vacation Judge)