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

+ **BAIL APPLN. 1814/2019**

TARUN @ MADDY

..... Petitioner

Through: Mr. Ramesh Kumar,
Mr. Mukesh Birla and
Mr. Dayanidhi Deep, Advs.

versus

STATE

..... Respondent

Through: Mr. Raghuvinder Verma, APP
with SI Laxman Choudhary, PS
Hauz Khas, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **31.07.2019**

1. The petitioner has filed the present bail application under Section 439 of the Code of Criminal Procedure, 1973 for the grant of interim bail for a period of one month to perform the last rites of his father like *Asthi Chunna*, *Asthi Visarjan*, *Hawan*, etc.
2. Learned counsel for the petitioner submitted that the petitioner is the only son of his father Late Shri Ved Prakash who expired on 19.6.2019.
3. Learned counsel for the petitioner further submitted that vide order dated 6.7.2019, the Trial Court though passed the order that the petitioner could not be admitted to interim bail for one month, however, after taking into account the fact that the petitioner is the only son of his deceased father which was not disputed by the State,

the petitioner was allowed to collect the *Asthies* from crematorium at Shakurpur, behind Britannia Factory, Delhi and to conduct the *Asthi Visarjan* at Haridwar in custody on 12.7.2019 and, thereafter, the petitioner was to be lodged in the jail.

4. It is also submitted by the learned counsel for the petitioner that the Trial Court also ordered that the travel and other expenses of police officials accompanying the petitioner for the purpose shall be borne by the petitioner.

5. It is further submitted by the learned counsel for the petitioner that he has instructions that the petitioner may be allowed to collect the *Asthies* and to conduct the *Asthi Visarjan* at Haridwar and to perform *Hawan* ceremony at his residence in police custody on 2.8.2019 and 3.8.2019. Learned counsel for the petitioner further submitted that the petitioner is not having sufficient sources to bear the travelling and the other expenses of police officials accompanying the petitioner for the purpose of collecting *Asthies* and the *Asthi Visarjan*.

6. Learned APP for the State submitted that he has no instructions that who shall bear the travelling and the other expenses of police officials accompanying the petitioner for the purpose of collecting *Asthies* and the *Asthi Visarjan* but this Court may pass any order in view of the facts and circumstances of the case.

7. In view of the aforesaid facts and circumstances, the petitioner is allowed to collect the *Asthies* from crematorium at Shakurpur, behind Britannia Factory, Delhi and to conduct the *Asthi Visarjan* at Haridwar on 2.8.2019 in police custody, thereafter, the petitioner shall

be brought back to the jail and shall be taken to his residence on 3.8.2019, in police custody, where the petitioner shall conduct *Hawan* and thereafter, in the evening, and/or after performing the *Hawan*, whatever is earlier, the petitioner shall be lodged back in the jail. Concerned Jail Superintendent be informed immediately.

8. In view of the peculiar facts and circumstances of the present case, the expenses shall be borne by the respondent, however, this order shall not be treated as a precedent for any purpose whatsoever.

9. Learned counsel for the petitioner further submitted that in view of the aforesaid directions, he may be allowed to withdraw the bail application. Accordingly, the bail application is dismissed as withdrawn.

Dasti.

CHANDER SHEKHAR, J

JULY 31, 2019/rk