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

+ **CRL.A. 82/2021**

NATASHA NARWAL

..... Appellant

Through: Mr. Adit S. Pujari, Ms. Tusharika
Mattoo & Mr. Kunal Negi,
Advocates.

versus

STATE OF DELHI NCT

.... Respondent

Through: Mr. Amit Prasad, Mr. Amit Mahajan,
and Mr. Rajat Nair, SPP for the State
with Mr. Dhruv Pande and Mr.
Shantanu Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.05.2021**

The present matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

CRL.M.A. 7247/2021 (Exemption)

The present application under section 482 of the Cr.P.C. has been filed on behalf of the applicant/appellant seeking exemption from filing notarized affidavit in support of the accompanying application.

For the reasons stated in the application and in view of the prevailing situation, the same is allowed. The applicant/appellant is allowed to file the notarized affidavit within a period of 01 week after resumption of the normal functioning of the Court.

CRL.M. (BAIL) 536/2021

The present application had been instituted on behalf of Natasha Narwal, the applicant/appellant, originally seeking release on interim bail on the ground that her aged father had been hospitalised at the Positron Hospital in Rohtak, Haryana, on account of having tested 'positive' for

COVID-19 virus. It was also asseverated that the brother of the applicant/appellant, who was hitherto taking care of the father, had also tested 'positive' for Covid-19 on 07.05.2021 and was consequently unable to take care of their aged, ailing father.

We are informed at the Bar today by Mr. Adit S Pujari, learned counsel appearing on behalf of the appellant/applicant, that Sh. Mahavir Narwal the applicant/appellant's father breathed his last and passed away yesterday at about 06:00 p.m. at the above-mentioned hospital.

Mr. Pujari further states that Sh. Mahavir Narwal is survived only by his daughter, namely the appellant/applicant, and a son, namely Mr. Akash Narwal, who as recorded above, is in self-isolation owing to COVID-19 infection; and that therefore there is nobody else in the family to perform Sh. Mahavir Narwal's cremation and last rites. It is stated in the application that the appellant/applicant's mother passed away some 21 years ago. It has also been brought to our notice that the Positron Hospital at Rohtak, Haryana, where the body of the late Sh. Mahavir Narwal is presently kept, is waiting for the appellant/applicant to receive the same.

Issue notice.

Mr. Amit Mahajan and Mr. Amit Prasad, learned SPPs appearing on behalf of the official respondent, appear on advance copy; accept notice; and fairly do not oppose the relief prayed for in the application in view of the circumstances elaborated hereinbefore. They also confirm the passing away of the appellant/applicant's father.

In view of the foregoing and in the interests of justice, we are of the view that the release of the applicant/appellant is imperative in this hour of grief and personal loss and in the facts and circumstances of the case.

We accordingly direct that the appellant/applicant Natasha Narwal be release *forthwith* on interim bail for a period of 03 weeks, subject to the

following conditions:

- 1) The appellant/applicant shall furnish a personal bond in the sum of Rs. 50,000/- to the satisfaction of the Jail Superintendent. In view of the circumstance that her sole sibling Mr. Akash Narwal is currently in self-isolation by reason of being afflicted by COVID-19 and the appellant/applicant has already furnished sureties towards bail granted to her in FIR No. 50/2020 at P.S.: Jafrabad and FIR No. 48/2020 at P.S.: Jaffrabad, the appellant/applicant is exempted from filing any surety;
- 2) The appellant/applicant will provide a cell phone number to the SHO, P.S.: Crime Branch (Special Cell) on which she may be contacted at any time, which she undertakes to keep operational during the entire period of her release. In addition, the appellant/applicant shall also furnish a cell phone number to the SHO, PS : Urban Estate, Rohtak, Haryana, which is stated to have jurisdiction over the place of the appellant/applicant's residence at 1225, Sector-3, Rohtak, Haryana;
- 3) The appellant/applicant shall comply with all governmental rules in force by reason of the prevailing pandemic and observe all precautions as stipulated therein without demur, including but not limited to wearing a PPE kit at the time of the cremation;
- 4) The appellant/applicant shall not leave the territories of the State of Delhi and Haryana without permission of the court and shall *ordinarily* reside at the address as per prison records/as mentioned in the application;
- 5) The applicant/appellant shall surrender before the Jail Authorities upon expiry of the period of interim bail;
- 6) Not earlier than 03 days before the time of her surrender, the

applicant/appellant shall undergo an RT-PCR test for COVID-19 and shall provide to the Jail Superintendent a copy of such report.

Mr. Pujari informs the court that one of the conditions of the bail granted to the appellant/applicant in F.I.R. No. 50/2020 prohibits the applicant from leaving the jurisdiction of the NCT of Delhi. Considering the ground and the purpose for which interim bail is being granted by this court by way of present order, it is clarified that the applicant/appellant travelling within Delhi and Haryana in terms of the present order shall not constitute a violation of the aforesaid condition of bail granted in F.I.R. No. 50/2020.

The present order be issued under the signatures of the concerned Registrar, who is also directed to telephonically inform the concerned Jail Superintendent of the directions contained in this order, for compliance.

Copies of the order be provided electronically to the learned counsel appearing on behalf of the parties as well as the Jail Superintendent, *forthwith*.

The present application stands disposed of.

SIDDHARTH MRIDUL, J

ANUP JAIRAM BHAMBHANI, J

MAY 10, 2021/uj