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

+ W.P.(C) 4921/2021

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel for the GNCTD.
Mr. Rajat Katyal, Advocate for
applicant.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

13.08.2021

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CM No. 26069/2021 & 26070/2021

1. Exemptions allowed, subject to all just exceptions.
2. The Court Fees be filed within two weeks.
3. The applications stand disposed of.

CM No. 26068/2021

4. Issue notice. Mr. Tripathi accepts notice on behalf of the State.
5. By way of this application, the applicant seeks directions that he is covered by the order passed by this Court in these proceedings for release of the applicant from custody.

6. Mr. Katyal submits that the applicant was initially granted interim bail by the Court on 28.04.2021, for a period of seven days on account of demise of his mother-in-law. On 01.06.2021, he filed another Bail Application bearing No. 1484/2021 (in case No. ECIR/DLZO-II/05/2019 registered by Enforcement Directorate) and yet another Bail Application bearing No.1497/2021 (in case FIR No. 50/2019, PS – EOW). Vide order dated 03.05.2021, in Bail Application No. 1484/2021, and vide order dated 05.05.2021 in Bail Application bearing No. 1497/2021, he was granted interim bail. Vide order dated 01.06.2021, the interim bail was extended for a further period of six weeks.

7. In the meantime, on 09.07.2021, this Bench passed orders directing that existing interim orders dated 20.04.2021 shall inure to the benefit of the persons, in whose favour interim orders/ bail orders were passed after 20.04.2021, till 16.07.2021.

8. Learned counsel for the applicant submits that the aforesaid order passed by the Full Bench was applicable to all persons, in whose favour interim orders/bail orders had been passed after 20.04.2021, till 16.07.2021, and, therefore, the said order is applicable to the applicant as well. However, the applicant was not aware of the same, since the order itself was signed and uploaded only on 13.07.2021.

9. On 13.07.2021, the applicant moved miscellaneous application for extension of interim bail on the ground of the deterioration of his father's and his wife's health. When the said application was heard by the learned single judge at 10:30 AM, the applicant was not aware of the order dated 09.07.2021, since it was signed and uploaded later in the day. The learned single judge was also not aware of the said order passed by the Full Bench

and consequently, extended the interim bail for a period of 10 days only. Accordingly, the applicant has already surrendered on the expiry of the said period of 10 days, i.e. on 06.08.2021, pursuant to the directions of the Court.

10. Having considered the said submissions, we are of the view that the applicant is covered by our order dated 09.07.2021, and is entitled to benefit thereof. Accordingly, he is directed to be released on interim bail on same terms and conditions, on which he was granted interim bail by the learned single judge initially. The same shall continue and remain in force till further orders in relation to extension of interim bail/ stay, as passed by this Court.

11. The application stands disposed of in view of the aforesaid.

W.P.(C) 4921/2021

12. The State has filed a status report today.

13. Mr. Tripathi has drawn our attention to paragraphs 6 & 7 thereof.

14. So far as the impact assessment of release of the undertrial prisoners is concerned, it is stated that out of the 3200 undertrial prisoners released on interim bail during the second wave of the pandemic, 45 have been re-arrested in some of the other crimes. The same does not seem the significant number.

15. It is further disclosed that the Supreme Court, in the proceedings are pending before it, has directed that the prisoners – who have been released from jail on account of Covid-19 pandemic, and are on bail, shall not be required to surrender.

16. Mr. Tripathi submits that tentatively, the matter is coming up before the Supreme Court on 28.08.2021.

17. In the light of the aforesaid, we adjourn the matter to 24.09.2021.

18. Interim orders to continue.
19. This order be communicated to the Jail Superintendent concerned for compliance.

VIPIN SANGHI, J.

REKHA PALLI, J.

TALWANT SINGH, J.

AUGUST 13, 2021

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