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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1441/2020

ANIL

..... Petitioner

Through Mr. Manish Kumar Singh and
Ms.Nusrat Hossain, Advs.

versus :

STATE

..... Respondent

Through Mr. Panna Lal Sharma, APP for the
State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.07.2020

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of interim bail for a period of two months in case FIR No.142/2017, for the offences punishable under Sections 395/397/412/34 IPC and Sections 25/27 Arms Act, registered at Police Station Lahori Gate, Delhi.
2. The present petition has been filed on the ground that the petitioner is eligible and entitled for interim bail for a period of 45 days in view of the guidelines issued by the High Powered Committee in its Minutes of Meeting dated 18.05.2020.
3. A perusal of the said Minutes of Meeting dated 18.05.2020 shows that Sections 395/397 IPC are not mentioned in it.
4. Thereafter, the issue came before the High Power Committee. Vide Minutes of Meeting dated 20.06.2020, the High Powered Committee has

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clarified in item No. 8-(B) that offences like kidnapping for ransom, dacoity etc. (including Section 364A) have intentionally been omitted while laying down the criteria of granting bail to UTPs in the minutes of meeting dated 18.05.2020. Relevant portion of the Minutes of Meeting dated 20.06.2020 are reproduced below:-

"(B) CLARIFICATION REGARDING MINUTES DATED 18.05.2020 QUA BAIL APPLICATION NO.291/2019 VIDE ORDERS DATED 17.06.2020 OF HON'BLE HIGH COURT: With Permission of the Chair, D.G.(Prisons) has brought to the notice of the Committee orders dated 17.06.2020 passed by Hon'ble High Court in bail application no.291/2019 titled "Satnam @ Raju vs. State". Members of the Committee have perused the order passed by Hon'ble High Court with respect to the petitioner who is an under trial prisoner in FIR No.491/2017 under section 364A/506/342/323/34 IPC PS Paschim Vihar. A submission was raised on behalf of the petitioner that as High Powered Committee in meeting dated 18.05.2020 had resolved that UTPs facing trial under section 302 IPC and in Jail, for more than 2 years and not involved in any other case, may be released on "Interim Bail" therefore, petitioner who is involved for offence under section 364A IPC entailing same punishment should also be released on Bail. Members of the committee have perused the orders dated 17.06.2020 passed by Hon'ble High Court and as required, it is hereby clarified that while categorizing the class / category of offences, this Committee in its last meeting had intentionally omitted such like offences i.e. kidnapping for ransom and dacoity etc. The said class/ category of cases and sections of IPC therefore, have not been mentioned in the Minutes while laying down the criteria in the Meeting dated 18.05.2020."

5. In view of the above, the petitioner is not entitled for interim bail. The present petition is, accordingly, dismissed.
6. It is informed by learned counsel for the petitioner that two co-accused have already been granted interim bail for a period of 45 days by the Trial Court in view of guidelines issued by High Powered Committee in

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its Minutes of Meeting dated 18.05.2020.

7. I can only say, at this stage, that the order was wrongly passed by the Trial Court. Moreover, this Court vide order dated 03.07.2020 passed in BAIL APPLN. 1535/2020 had directed the Registry to communicate the said order and the Minutes of Meeting dated 20.06.2020 of High Powered Committee to the District Unit Head for information and compliance in future.

8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

JULY 07, 2020/rk

SK
SURESH KUMAR KAIT, J

TRUE COPY
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EXAMINER

