

(2009) 09 DEL CK 0363

Delhi High Court

Case No: Bail Application No. 1774 of 2009

Satender Pal Singh @ Twinkle

APPELLANT

Vs

State (NCT of Delhi)

RESPONDENT

Date of Decision: Sept. 16, 2009

Acts Referred:

- Arms Act, 1959 - Section 25, 27, 54, 59
- Delhi Public Gambling Act, 1955 - Section 3, 4, 5
- Penal Code, 1860 (IPC) - Section 120B, 121, 121A, 122I, 186

Hon'ble Judges: Mool Chand Garg, J

Bench: Single Bench

Advocate: K.K. Manan S.S. Chauhan and Naveen Malhotra, for the Appellant; Navin Sharma, APP, for the Respondent

Final Decision: Allowed

Judgement

Mool Chand Garg, J.

This order shall dispose of the petition filed by the petitioner seeking interim bail for a period of two months in case FIR No. 04/2006 u/s 387/506/34 IPC, 25/54/59 Arms Act and Section 3 & 4 of the MCOCA, 1999 pending in the court of Additional Sessions Judge, Delhi on the ground that the mother of the petitioner, namely, Mrs. Hardarshan Kaur, aged about 78 years had suddenly developed heart problems (CAD Coronary Artery disease, CKD Chronic Kidney disease and DM Diabetic Mellitus) and was immediately taken to Sri Balaji Action Medical Institute, Paschim Vihar, New Delhi in a critical condition on 6.9.2009 in Emergency Ward and has been admitted there vide IP No : 30468. She was diagnosed by the doctors of the Cardiology Department with CAD with double vessel disease.

2. It is submitted on behalf of the petitioner that the petitioner is in custody for a period of more than three and a half years and that the condition of the mother of the petitioner is precarious and at this crucial juncture, the presence of the

petitioner is essential.

3. The present petition has been opposed by the Additional Public Prosecutor on the ground that the petitioner is involved in a number of cases, including MCOCA and that he has been taking bail on one ground or the other and in fact is in bail right from 31.5.2007. Even with respect to the treatment of his mother, Mrs. Hardarshan Kaur the bail was granted to the petitioner for the period commencing from 24.1.2009 to 3.2.2009. It has been stated that virtually from 31.5.2007 the petitioner had been availing interim bail and there is a possibility of misusing the interim bail by him. It has been further stated that no procedure/treatment of CAG/PTCA of his mother was got done earlier. It has also been submitted that there are other members in his family such as his wife, his elder brother, his nephews, two brothers-in-law, sister, his other relatives and servants to look after his wife and as such there is no emergency of his coming out on interim bail. It has also been submitted that the petitioner is involved in public act of gambling and is one of the organizers of such activity.

4. Directions were given to both the parties to place on record the number of cases which were pending against the petitioner. An affidavit has been filed on behalf of the petitioner through his wife which goes to show that the petitioner stands acquitted in case FIR No. 545/1998 u/s 121/121A/122/123/120B IPC registered at Police Station Punjabi Bagh. The judgment of acquittal has also been placed on record by the learned Additional Public Prosecutor. The two other cases bearing FIR No. 83/2004 u/s 186/353/34 IPC and 25/27 of the Arms Act registered at Police Station Hari Nagar and FIR No. 113/2004 under Sections 3, 4 and 5 of the Delhi Public Gambling Act, 1955 registered at Police Station Special Cell, NDR and the present case in which MCOCA Act has been invoked are pending trial.

5. The petitioner is in jail for a period of three and a half years. No doubt, he has been granted interim bail on various occasions. The certificate placed on record from the medical institute which has been verified even by the prosecution and taking into consideration the cases which are now pending against the petitioner, I am of the view that there will be no harm if the petitioner is granted 10 days interim bail for enabling him to take care of his aged mother. Accordingly, the petitioner in this case is directed to be released on interim bail for a period of 10 days from the date of his release on his furnishing bail bond in the sum of Rs. 50,000/- (rupees fifty thousand only) with one surety of the like amount to the satisfaction of the trial court subject to the condition that he would cooperate with the prosecution in all pending matters and would not misuse the liberty of bail granted to him and would not in any manner try to influence any of the witnesses or would not indulge in any other criminal activity and would not leave the jurisdiction of Delhi. The petitioner shall surrender on the expiry of the period of interim bail and would not ask for any extension of interim bail. This order shall be operative only if the bail bond is presented within one from week from today.

6. The petition stands disposed of.

7. A copy of this order be given dasti to counsel for the petitioner.