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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. Anil Soni, CGSC.

Mr. Mohit Mathur, Sr. Advocate with Mr. Vijay Bishnoi and Mr. Manohar Malik, Advocates in CM No. 34563/2021.

Mr. Rizwan, Advocate in C.M. No. 34355/ 2021

Mr. Raman Gandhi, Advocate in C.M. No. 34654/2021.

Mr. Arun Khatri, Advocate in CM No. 34652/2021

Mr. Harsh Sethi, Advocate in C.M. No. 34633/ 2021.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE TALWANT SINGH

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O R D E R
01.10.2021

CM No. 34653/2021 & CM No. 34655/2021

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

CM No. 34355/2021

Issue notice. Mr. Tripathi accepts notice on behalf of the State. This is an application moved by the applicant to seek a clarification that the automatic extension of interim orders granted by this Court in these proceedings also apply to Criminal Revision Petition 246/ 2018 titled ***Mohammed Kamil & Ors vs State & Anr.***

In Criminal Revision Petition No. 246/ 2018, vide order dated 21.03.2018, while issuing notice, the Trial Court proceedings were stayed by this Court. Mr. Rizwan submits that the said order continued to operate from date to date, and it was extended on 30.03.2020 till 06.08.2020. Thereafter, on account of the Pandemic, the Revision Petition has not been listed.

Since, there is no express extension of the interim order, the Trial Court has desired that the applicant may seek a clarification from this Court.

In view of the orders passed by us in these proceedings – extending the validity of the interim orders, there can be no doubt that the interim order, which stood extended on 30.03.2020 till 06.08.2020, also stands extended and shall continue to be extended till further orders passed in these proceedings.

With this clarification, the application stands disposed of.

CM No. 34563/2021

Issue notice. Mr. Tripathi accepts notice on behalf of the State.

This is an application filed by the applicant by the applicant Sapan @ Mukesh to seek clarification that the interim bail extended to the applicant on 22.04.2021 stands extended till further orders in these proceedings.

Mr. Mathur, learned senior counsel for the applicant points out that

the applicant was granted interim bail for a period of 2 months by the order dated 22.04.2021 in *State v. Sapan @ Mukesh* in case FIR No. 02/2020, registered at PS-Vigilance under Sections 201/203/217/384/408/409/120B IPC, 20 NDPS & 13 PC Act. Thereafter, successively, the interim bail of the applicant was extended on 16.07.2021, 17.07.2021, 28.07.2021, 31.07.2021, 17.08.2021 and 03.09.2021 till 27.09.2021 on account of the orders passed by the Full Bench in these proceedings. However, thereafter, the interim bail has not been extended on the premise that extension of interim bail could be granted in the specific facts of each case. Non-bailable warrants have been issued against the applicant and he was required to surrender on 28.09.2021, which he has not done.

Our orders passed in these proceedings are clear and they were to apply in respect of all interim orders which were in operation on the date on which we had initiated proceedings i.e. 20.04.2021. Those interim orders are still continuing to remain in force.

Accordingly, the application is allowed. The interim bail granted to the applicant is extended till 22.10.2021 which is the next date in the matter on the same terms and conditions on which the applicant was initially granted bail.

CM No. 34633/2021

Issue notice. Mr. Tripathi accepts notice on behalf of the State.

By this application, the applicant Vinay Jain seeks clarification of the order dated 13.08.2021 consequent to the directions of the learned CMM, Patiala House, New Delhi in respect of interim bail first granted to the applicant on 06.05.2021.

The applicant is an accused in Case Fir No. 301/ 2020 registered at

PS, Special Cell under Sections 419/420/466/467/468/471/473/474/201/120-B IPC & 66C/ 66D of the IT Act. He was arrested on 19.02.2021. He was granted interim bail on 06.05.2021. His interim bail continued in the light of the orders passed in these proceedings on 22.05.2021. The interim bail of the applicant was extended by the learned CMM from time to time. On 13.08.2021, the matter was adjourned to 17.08.2021 till when the interim was extended. Adjournment was sought on the ground that the matter before the Supreme Court of India regarding extension of interim bail is listed on 16.08.2021.

The order sheet placed on record shows that the interim bail has been extended by the Trial Court from time to time and, even on 26.09.2021, counsel for the applicant informs, the same was extended till 05.10.2021. On our query as to what prompted the filing of this applicant, learned counsel for the applicant submits that the Trial Court seeks a clarification whether the interim order passed by this Court was extended on 24.09.2021.

We clarify that the interim order granted by us on 20.04.2021 stands extended till 22.10.2021.

The application stands disposed of.

CM No. 34652/2021

Issue notice. Mr. Tripathi accepts notice on behalf of the State.

This application has been filed by the applicant to seek clarification for extension of interim bail granted to the applicant on 23.04.2021 by the Special Judge, PC Act, Rouse Avenue Court, New Delhi in case Fir No. 02/2020 registered at Police Station – Vigilance, under Sections 201/ 203/ 217/ 384/ 408/ 409/ 120B IPC, 20 NDPS Act & 13 PC Act.

In view of the clarification which we have already given today that

the interim orders shall continue to remain in operation till 22.10.2021, no further orders are required to be passed in this application. The applicant having been granted interim bail after the passing of our order dated 20.04.2021 would be entitled to the benefit of the said interim order till 22.10.2021.

The application stands disposed of.

CM No. 34654/2021

Issue notice. Mr. Tripathi accepts notice on behalf of the State.

The applicant seeks interim bail by the benefits of the order dated 09.07.2021 and 16.07.2021 passed by this Court in these proceedings. The applicant is an accused in Case FIR No. 132/ 2020 dated 18.09.2020, registered at PS EOW, New Delhi under Sections 420/406/409/120B IPC. He was arrested on 30.12.2020. He was released on interim bail on 01.05.2021 for a period of one month since he was suffering from COVID-19. The interim bail was extended on 05.06.2021, since he remained hospitalised for more than 35 days. It was further extended by another 45 days. On 19.07.2021, the interim bail was again extended for a period of 2 months. The applicant had to surrender before the Sessions Court on 15.09.2021. He was remanded to judicial custody. His application for regular bail was dismissed by the Court on 17.09.2021. The applicant's bail application before this Court is pending. He submits that the learned Single Judge has not passed orders granting interim bail to the applicant by following the orders passed in these proceedings.

Considering the fact that the applicant was initially granted interim bail on 01.05.2021, which was extended thereafter till 15.09.2021, in our view, he was entitled to the benefit of the interim orders passed in these

proceedings and he could not have been asked to surrender on 15.09.2021.

Accordingly, we grant interim bail to the applicant on the same terms and conditions on which he was earlier released on interim bail by the Trial Court till 22.10.2021.

The application stands disposed of.

VIPIN SANGHI, J.

REKHA PALLI, J.

TALWANT SINGH, J.

OCTOBER 01, 2021

N.Khanna