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

+ **BAIL APPLN.769/2020 (URGENT)**

**RIZWAN IQBAL**

..... Petitioner

Represented by: **Mr. Amjad Khan, Adv.**

versus

**STATE**

..... Respondent

Represented by: **Ms. Kusum Dhalla, APP for State.**

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

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**ORDER**

**09.04.2020**

The hearing has been conducted through video conferencing.

**Crl.M.A..... (Exemption) (to be numbered)**

1. Exemption allowed, subject to all just exceptions.
2. Application is allowed and disposed of.

**Bail Appln.769/2020**

3. Present petition is filed under section 439 Cr.P.C. on behalf of accused/petitioner Rizwan Iqbal for grant of interim bail for 30 days in pursuance to FIR No.535/2014 registered at Police Station Roop Nagar, Delhi for the offences punishable under sections 307/394/397/34 IPC read with sections 27/54/59 Arms Act. However, charges have been framed under sections 392/411/413/414/506/120-B IPC against the petitioner.
4. Case of the petitioner is that he has been falsely implicated and kept in judicial custody since 30.11.2017 whereas the alleged incident had taken

place on 29.11.2014 and he was subsequently arrested upon the false discloser statement of one of the main accused i.e. Munir. No recovery has been made from the petitioner and an amount of Rs.75 lacs has been recovered from the main accused Munir.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner's property for an amount of Rs.30 lacs has already been seized by Central Government. He further submits that he has earlier been granted interim bail for three days from 29.03.2018 to 31.03.2018 to attend his sister's marriage and thereafter he surrendered before the concerned jail without violating any terms of the bail.

6. Learned counsel further submits that age of petitioner's father is about 65 years and his mother's age is about 60 years. The petitioner has two siblings, one dependent sister aged 22 years and a dependent brother aged 26 years who is studying and lives in Moradabad i.e. 30 km away from petitioner's parents and who is not able to make sufficient arrangement for proper care of his critical asthmatic ailing old father, who is also suspected to be under the infection of Corona Virus and also he is unable to earn livelihood through his father's existing fruit's business for the survival of his other family members as his father has been advised complete bed rest and he is using oxygen cylinder for survival. He has been quarantined in the house in a separate isolated room along with the oxygen cylinder for breathing for the safety of the family members from corona virus infection.

7. On the other hand, learned APP appearing for State submits that a visit was conducted at the native place of petitioner herein and it was found that father of petitioner was suffering from critical respiratory and acute asthmatic disease which is causing congestion in breathing and he was

breathing through oxygen cylinder and had been provided a prescription letter from the local doctor of village.

8. It is not in dispute that our country is under lock down due to COVID-19 which has spread throughout the world. It is also not in dispute that if petitioner is released on interim bail as prayed, he would not be able to meet his father or take care of his father as he is suspected a patient of COVID-19.

9. But the fact remains that petitioner is in Tihar Jail, Delhi and parents of petitioner are at Bijnor and father of petitioner is quarantined as he is suspected patient of COVID-19. Case of the petitioner is that though he may not be able to meet his father but he can look after his father's existing fruit business which is permissible in the current lock down situation. The residence of the parents of petitioner is around 180 km away from Delhi and if he is directed to be released on interim bail, it will be difficult for the State to make special arrangements for his travel from Delhi to Bijnor.

10. I am conscious about the directions passed by Hon'ble Supreme Court that in case of extreme urgency, the accused is to be released by making special arrangements so that he can reach to the required place safely. In the case in hand, petitioner seeks bail to look after his father's business to earn so that he could provide for survival of his family, but the fact is that his father has already completed 7 days in quarantine and he is left with only 7 more days for the quarantine period to be completed. Thereafter, situation may get changed.

11. In the present situation, when whole nation is under lock down and his commute from Delhi to Bijnor will be difficult to arrange and even thereafter, he will certainly commute in the society to run his father's fruit

business, therefore, I am of the considered opinion that this is not a case where extreme urgency is there to grant interim bail to the petitioner.

12. Accordingly, I find no ground to grant bail to the petitioner, the same is dismissed.

**SURESH KUMAR KAIT, J**

**APRIL 09, 2020**

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