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

+ **W.P.(C) 3080/2020**

COURT ON ITS OWN MOTION Petitioner

Through:

versus

GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Rahul Mehra, Standing Counsel (Criminal) with Mr. Chaitanya Gosain, Advocate for GNCTD.

Mr. Gautam Narayan, Additional Standing Counsel (Civil)

Mr. Sandeep Goel, Director General (Prisons)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

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09.05.2020

The present matter has been taken up for hearing by way of Video Conferencing on account of lockdown due to COVID-19.

This Suo-Moto Writ Petition has been taken up pursuant to a note dated 07.05.2020 of Registrar General, which was put up before Hon'ble the Chief Justice on 08.05.2020 and as directed, the same has been listed before this Division Bench today.

We have perused the file and have heard Mr. Rahul Mehra, Ld. Standing Counsel (Criminal) for Government of NCT of Delhi and Mr. Sandeep Goel, Director General (Prisons).

It has been noticed that for effective implementation of the directions issued by Hon'ble Supreme Court of India in Suo Moto Petition (Civil)

No.1/2020-In Re: Contagion of COVID-19 Virus in Prisons vide its orders dated 23.03.2020 and 13.04.2020, a High Power Committee (HPC) was constituted by High Court of Delhi to decongest the Jails to prevent the spread of COVID-19 (Novel Corona Virus) and as per the recommendations of this Committee dated 28.03.2020, 07.04.2020 and 18.04.2020 and on the basis of orders in WP (C) No.2945/2020 titled as "Shobha Gupta & Ors. vs. Union of India & Ors.", 2177 Under Trial Prisoners (UTPs) were released on interim bail for a period of 45 days from the date of their respective release.

In its meeting dated 05.05.2020, the HPC noted that, the said period of 45 days in respect of some UTPs is going to expire on 09.05.2020 and for others it shall expire in coming days of May, 2020 and in the first week of June, 2020 but situation of the pandemic is still the same and the Central Government has already extended the Lock Down to 17.05.2020 and it may not be possible to predict definite date for resumption of normal functioning of Court system, so HPC was of the opinion that the interim bail so granted to 2177 UTPs by respective CMMs/MMs needs to be extended for a further period of 45 days. It was also noted by the Committee that in the present scenario, it may not be possible to move individual applications before concerned CMMs/MMs by Legal Aid Counsel, so the matter was placed before this Court for considering the extension of interim bails of 2177 UTPs on judicial side.

Mr. Sandeep Goel, Director General (Prisons) reiterated the same request for extension of interim bails granted to 2177 UTPs, in view of the prevailing pandemic situation.

Mr. Rahul Mehra, Ld. Standing Counsel (Criminal) for Government of NCT of Delhi has no objection to the extension of interim bails granted to 2177 UTPs by another period of 45 days from the date of respective expiry of their interim bail period.

Accordingly, it is ordered that the interim bails for a period of 45 days granted to 2177 UTPs, in view of the recommendations of HPC dated 28.03.2020, 07.04.2020 and 18.04.2020 and on the basis of orders in WP (C) No.2945/2020 titled as "Shobha Gupta & Ors. vs. Union of India & Ors." are hereby extended by another period of 45 days from the date of their respective expiry of interim bails on the same terms and conditions.

Director General (Prisons) shall ensure that this order is conveyed to all the 2177 UTPs by telephone, as well as, through all other available modes. Ld. Member Secretary, DSLSA shall coordinate with DG (Prisons) in this regard.

List on 22.06.2020.

A copy of this order be provided to learned counsel appearing on behalf of the parties as well as DG (Prisons) electronically today itself. A copy of this order be uploaded on the website of this Court forthwith.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

MAY 09, 2020
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