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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **CRL.A. 220/2021**

MOHD. SALIM

..... Appellant

Through: Mr. Tanvir Ahmed Mir, Advocate
with Mr. Prabhav Ralli, Advocate.

versus

NATIONAL INVESTIGATION AGENCY..... Respondent

Through: Mr. Abhay Prakash Sahay, CGSC
with Ms. Mannu Singh, Ms. Indira
Goswami, Mr. Kunal Dhawan and
Mr. Vivek Singh, Advocates.
Mr. Rohit Tyagi, Special Public
Prosecutor for NIA.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

19.07.2021

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

CRL.M.A.10841/2021 (Exemption)

Exemption granted subject to just exceptions.

The application is disposed of accordingly.

CRL.M.A.10842/2021 (Exemption)

The present application under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the applicant/appellant seeking exemption from filing notarized affidavits in support of the accompanying application.

For the reasons stated in the application and in view of the prevailing situation, the same is allowed. The applicant/appellant is allowed to file the duly notarized affidavits within a period of 01 week from the date of resumption of physical functioning of the Court.

The application is disposed of accordingly.

CRL.M.A.10843/2021 (Exemption)

The present application under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the applicant/appellant seeking exemption from filing requisite court fee and welfare stamp in support of the accompanying application.

For the reasons stated in the application and in view of the prevailing situation, the same is allowed. The applicant/appellant is allowed to file requisite court fee and welfare stamp within a period of 72 hours from the date of resumption of physical functioning of the Court.

The application is disposed of accordingly.

CRL.A.220/2021

The present appeal under Section 21(4) of the National Investigation Agency Act, 2008 instituted on behalf of the appellant Mohd. Salim essentially seeks a direction to the Special Judge, NIA, Patiala House Courts, New Delhi before whom NIA Case No.1/2019 titled '*State vs. Mohd. Salim and Others*' is pending adjudication, to dispose of the appellant's pending bail application instituted as far back as on 04.02.2021.

In this behalf, our attention has been invited to an order dated 27.05.2021 made by a learned Single Judge of this Court in Bail Appln.

No.1829/2021, whereby the learned Special Judge, NIA was directed to dispose of the appellant's bail application "expeditiously".

It is observed that despite the aforesaid directions issued by the learned single Judge of this Court, the bail application has remained pending before the learned Special Judge, NIA, Patiala House Courts, New Delhi on the ground that since the record pertaining to the subject case is voluminous, it will *only* be possible to hear the bail application once physical hearings are resumed and not by video-conferencing.

With utmost respect, we do not agree with the reasons ascribed by the learned Special Judge, NIA for not hearing and deciding the appellant's bail application, despite the same having remained pending before him since 04.02.2021 and in the teeth of the directions issued by the learned single Judge of this Court *vidé* order dated 27.05.2021.

Issue notice.

Mr. Abhay Prakash Sahay, learned CGSC and Mr. Rohit Tyagi, learned Special Public Prosecutor accept notice on behalf of NIA.

Having heard learned counsel appearing on behalf of the parties, we direct the learned Special Judge, NIA, Patiala House Courts, New Delhi to commence hearing the appellant's bail application pending adjudication before him from 07.08.2021, the next date of hearing fixed before him, without awaiting resumption of physical functioning of the courts. The learned Special Judge, NIA is also directed to dispose of the appellant's bail application *expeditiously*, as directed by the learned single Judge of this Court *vidé* order dated 27.05.2021.

With the above directions, the appeal is disposed of.

It is made clear that we have not expressed any opinion on the merits of the appellant's bail application pending adjudication before the learned Special Judge, NIA.

A copy of this order be provided to counsel appearing on behalf of the parties electronically.

A copy of this order be also sent to the learned Special Judge, NIA, Patiala House Courts, New Delhi, for information and compliance.

SIDDHARTH MRIDUL, J

ANUP JAIRAM BHAMBHANI, J

JULY 19, 2021/dn

[Click here to check corrigendum, if any](#)