

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2599/2022, CRL.M.A. 17314/2022
BHUPENDER SINGH @ BHUTTAN Petitioner

Through: Ms. Meera Kaur Patel & Mr. Akshay,
Advocates.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with Insp. Jitender Rana.

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **06.09.2022**

CRL.M.A.17314/2022 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2599/2022

3. This application for interim bail has been moved by the applicant/accused in FIR No.85/2021, registered under Sections 186/353/332/307/224/225/482/392/397/120B/34 IPC and Sections 25/27 of Arms Act, at Police Station GTB Enclave, Delhi.
4. Ms. Meera Kaur Patel, learned counsel for the applicant, submits that the applicant's mother is admittedly suffering from the erosion of the spine, as the Investigating Officer has verified these medical documents as being true.
5. It is further submitted that the brother of the applicant has declined to take care of his mother and, therefore, the only one who can take care of the mother is the applicant.

6. The Status Report has been handed over in Court. The same may be made part of the e-record in the course of the day.

7. Mr. Ritesh Kumar Bahri, learned APP for the State, submits that the applicant has made two mis-representations regarding his family members, which fact has also been recorded by the learned ASJ vide dated 23rd August, 2022. The family of the applicant includes, a brother who is residing with his family at Alipur, another brother residing in Australia and the sister residing at Sonipat, Haryana. It is submitted that the sister's children are also major, being aged between 25 and 26. It is further submitted that the regular bail application of the applicant has already been dismissed by this Court.

8. The learned counsel for the applicant contends that there was no intent to misrepresent and it was only an error that had occurred on account of the fact that the brother at Alipur has given a statement that he will not look after his parents. Such a submission does not impress inasmuch as the father and the mother can then enforce their rights qua their errant son under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

9. The application has to be considered on its own merits. It is then noticed that the applicant has had the benefit of interim bail not once, but twice already in the course of this year. The first time, he was granted interim bail vide order dated 3rd January for a period of 30 days from the date of his release, for surgery of anal fissures of his wife. Though the learned counsel for the applicant points out that the medical documents have been placed on the record to show that the wife of the applicant is also suffering from brain tumour, it is she, who is prosecuting the present application, which may indicate that her condition is stable.

10. The interim bail granted vide order dated 3rd January, 2022 was subsequently extended for another 45 days by the learned Trial Court. Thereafter on 17th June, 2022, the petitioner was granted 45 days' interim bail to attend to his father who had to undergo a surgery for hernia.

11. Now the present application has been moved for interim bail on the ground that the applicant's mother has to undergo surgery.

12. It is difficult to accept that the applicant alone is available to his family to take care of ailing members. Rather, it appears that medical conditions which may not require an emergent attention have been used to gain interim bail, particularly in view of the fact that the regular bail application stands dismissed. The learned APP for the State is right in highlighting the fact that serious allegations have been made against the applicant who was a gangster and was a member of 'Gogi Gang'.

13. It is further noticed that since it is the mother of the applicant who is to undergo surgery, if any, it is her daughter or daughter-in-law who would be better placed to take care of her needs, including during hospitalisation. There are other members in the family who are also well placed to take care of other needs of the mother.

14. In these circumstances, the interim bail application being BAIL APPLN. 2599/2022 is dismissed.

15. The order be uploaded on the website forthwith.

ASHA MENON, J

SEPTEMBER 6, 2022/ck