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

+ BAIL APPLN. 940/2020

SHAHRUKH PATHAN

..... Petitioner

Through: Mr. Asghar Khan, Advocate with
Mr. Tahir Khan, Advocate

versus

STATE

..... Respondent

Through: Ms. Asha Tiwari, APP for State.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.05.2020**

1. The petitioner seeks bail in FIR No.51/2020 registered at P.S. Jafrabad (now transferred to Crime Branch), under Sections 186, 307, 353 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959.
2. After some hearing, Mr. Asghar Khan, learned counsel for the petitioner restricts the prayer to grant of interim bail to enable the petitioner to take care of his father who is to undergo a knee surgery. He relies upon the judgment of this Court in *Vijay Pal vs. State* (Bail Application No. 698/2019, decided on 26.03.2019) to submit that interim bail was granted in that case in similar circumstances.
3. Mr. Khan has also referred me to a Status Report dated 27.04.2020, filed in an earlier application for bail (Bail Application No. 791/2020).

The contention regarding the father's surgery was dealt with in paragraph 23 of the said Status Report to the following effect:-

“23. That, the applicant has submitted medical papers of his father namely Sabir Ali @ Baldev Singh who is under treatment from SGL Super Specialty Hospital, Jalandhar for knee replacement and the tentative date of surgery has been fixed for 05.05.2020. The applicant has sought bail on the ground that he has to arrange money for the surgery of his father. In this regard, telephonic as well as enquiry through email has been done from the said hospital. As per the report of Medical Superintendent received through email, the case does not fall under the emergency category and date of 05.05.2020 for surgery was tentative only and now in view of Corona pandemic continuing elective surgery like TKR (total knee replacement) are not being undertaken. As regards the arrangement of money for surgery, the appellant's elder brother and mother are capable of doing so and to look after the appellant's ailing father. Hence, the contention has no merit.”

4. It is evident from the above that the stand taken at that stage was that the surgery of the petitioner's father was not imminent. Ms. Asha Tiwari, learned APP is directed to furnish a fresh Status Report as to the present status in this regard.

5. Status report be filed within one week.

6. List on 04.06.2020. The date has been fixed at the request of Mr. Khan who is not available prior to that date.

PRATEEK JALAN, J

MAY 19, 2020

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