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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 04.03.2024*

+ W.P.(CRL) 748/2024

SUJIT KUMAR SINGH

..... Petitioner

Through: Mr. Deepanshu Baisla, Mr. Abhishek
Khari and Mr. Gaurav Tyagi, Advs.

versus

DIRECTOR GENERAL OF PRISONS,

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr.Amol Sinha, ASC (Crl.) with
Mr.Kshitiz Garg, Mr.Ashvini Kumar,
Ms.Chavi L Azarus and Mr.Arjun Singh
Kadian, Advs. alongwith Inspector
Sandeep, PS Ranhola.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 7001/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P. (CRL.) 748/2024

1. Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for directing the respondent to release the petitioner on interim bail in terms of order dated 14.02.2024 in Bail Application No.479/2024, whereby the petitioner was directed to be released on bail for a period of one week on furnishing of bail bond for a sum of Rs.25,000/- with two sureties of like amount to the satisfaction of Jail Superintendent concerned and subject to the conditions as stated in the said order.



2. Issue notice. Learned ASC for the State appears on advance notice and accepts notice.
3. Learned counsel for the petitioner submits that the petitioner has been constrained to file the present petition since the petitioner has not been released on bail despite order dated 14.02.2024 and frustrates the very purpose of interim bail. It has also been pointed out that surety bonds furnished on 16.02.2024 were accepted for verification only on 17.02.2024 by the Jail Superintendent after raising of several objections. Further, despite efforts to coordinate with different Police Stations, the petitioner remained in custody till filing of present petition.
4. A status report has been filed on behalf of learned ASC for the State and it is urged that the delay has been occasioned since verification report *qua* the sureties was received only on 26.02.2024 and 28.02.2024 respectively. Further, efforts were made to contact the sureties telephonically on 29.02.2024 and the petitioner has thereafter been released on 01.03.2024.
5. The unlawful delay in release of accused/convicts/undertrial prisoners despite being admitted to bail needs to be addressed as it touches upon the rights of liberty of undertrials/convicts. The very purpose of interim bail/bail stands frustrated, in case substantial time is consumed for the purpose of verification of sureties without consideration of exigencies.
6. After the bail orders have been issued by the Court, the State is bound to ensure the smooth release of the accused/convict at the earliest, without any bottlenecks or delay. This Court is conscious of the fact that the process of physical verification of surety bond may take some time due to understaffing or overwork of the police officials but the same cannot be countenanced in case the delay in verification of surety bonds extends for a period of two weeks. The



verification of local surety bonds needs to be ensured within strict timelines, in a time bound manner to avoid exploitation of prisoner/surety in any manner.

7. The very purpose of grant of interim bail in the present case on the medical grounds of surgery of wife of the petitioner stands adversely affected, since the bail order dated 14.02.2024 could only be complied on 01.03.2024.

Considering the facts and circumstances, necessary instructions be issued by the Commissioner of Police, Delhi to ensure that the local surety bonds if forwarded for verification, are returned back at the earliest within strict timelines, without occasioning any delay and preferably by the next day. Director General (Prisons) is also directed to further sensitize Superintendent Jails for considering the bail bonds expeditiously in accordance with law and without raising of uncalled for objections.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the Commissioner of Police, Delhi as well as Director General (Prisons) for compliance and Action Taken Report be forwarded within two weeks.

(ANOOP KUMAR MENDIRATTA)
JUDGE

MARCH 04, 2024/akc/sd