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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2404/2021

NAZIM KHAN Petitioner
Through: Mr. Bharat Singh, Advocate.

Versus

GOVERNMENT OF NCT DELHI Respondent
Through: Mr. Hirein Sharma, APP for State
along with Mr. M.T. Kom, DIG
(Prisons), Tihar, New Delhi.
Mr. H.K. Arora, Registrar (Criminal),
DHC.

AND

BAIL APPLN. 2428/2021

IQBAL @ GUDDU Petitioner
Through: Mr. Bharat Singh, Advocate.

Versus

GOVERNMENT OF NCT DELHI Respondent
Through: Mr. Hirein Sharma, APP for State
along with Mr. M.T. Kom, DIG
(Prisons), Tihar, New Delhi.
Mr. H.K. Arora, Registrar (Criminal),
DHC.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

% **ORDER**
02.08.2021

CRL.M. (BAIL) 959/2021 & CRL.M.A. 10951/2021 in BAIL APPLN. 2404/2021 and
CRL.M.A. 10999/2021 & CRL.M.A. 11000/2021 in BAIL APPLN. 2428/2021

1. On the last date of hearing, it was informed that despite passing of the orders for custody parole, the orders could not be complied with since the respective orders were not communicated to the Jail authorities in time. It was directed that DIG (Prisons) shall file an affidavit. The Registry was also directed to file an explanation.
2. Mr. Hirein Sharma, learned APP for the State, submits that Mr. M.T. Kom, DIG (Prisons), Tihar has joined the V.C. proceedings and his affidavit has also been placed on record.
3. Mr. M.T. Kom states that, as per jail records, the orders passed on 12.07.2021 and 13.07.2021 were communicated to the concerned jail authority only on 15.07.2021 and 16.07.2021, and for which reason, the orders passed by this Court for taking the applicants in custody for them to take part in *Chalisva* (40th) ceremony of their mother could not be complied with. Along with the affidavit, copy of the Despatch Register of the Registry has also been placed on record. Mr. M.T. Kom further states that the jail authorities have never intended to disobey the directions of this Court and the default in the present case was only account of lack of timely communication. He also states that for the purpose of releasing the inmate on bail, the Jail authorities are not insisting on the physical copy of the bail order.
4. Mr. H.K. Arora, Registrar (Criminal), has also joined the V.C. proceedings. He states that an explanation has been placed on record by the

Registry wherein it is stated that due to reduction in the staff strength, the dockets of the orders were misplaced and for which reason, the orders could not be timely communicated to the jail authorities. Mr. Arora submits that the concerned dealing officer has been warned to remain careful in future.

5. The explanation offered is taken on record and the Registry is directed to take all the necessary corrective steps so that such default does not recur in the future.

6. In view of the above, Mr. Bharat Singh, learned counsel for the applicants seeks leave to withdraw the applications.

7. Both the applications are dismissed as withdrawn.

BAIL APPLN. 2404/2021 and BAIL APPLN. 2428/2021

List on the date already fixed i.e., 25.08.2021.

MANOJ KUMAR OHRI, J

AUGUST 2, 2021

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Click here to check corrigendum, if any