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

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Date of Decision: 15.10.2026# **CNR No. DLHC010394712026**+ **BAIL APPLN. 3477/2026**

SANJEEV

.....Petitioner

Through: Mr. Pranav Prakash Sharma, Adv.
versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP for State
along with Ms. Swati, Adv.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)****CRL.M.(BAIL) 1908/2026** (to release the petitioner on interim bail for a period of 30 days)

1. The applicant/petitioner, *via* the present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeks interim bail for a period of thirty (30) days on medical grounds.
2. This application has been filed in Bail Application 3477/2026, wherein the applicant/petitioner seeks regular bail in FIR No. 270/2024, dated 26.12.2024, registered at P.S. Crime Branch, Delhi, under Sections 22(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The application for regular bail, *i.e.*, Bail Application 3477/2026, is listed on 27.10.2026. Only the present application, *i.e.*, Crl.M.(Bail)



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1908/2026, is being considered today.

4. Learned counsel for the applicant/petitioner submits that the applicant suffers from Bilateral Inguinal Hernia and Gall Bladder Stone, for both of which surgery has been advised. It is also submitted that the applicant/petitioner is a patient of Type 2 Diabetes Mellitus, HTN (Hyper Tension) and Diminishing of Vision. It is pointed out that the medical condition of the applicant/petitioner has considerably deteriorated and that the surgery is required.

5. *Vide* order dated 06.10.2026, the concerned Jail Superintendent was directed to furnish an updated Status Report clearly setting out the medical condition of the petitioner, the necessity of the surgery for Gall Bladder Stone and Bilateral Inguinal Hernia. Pursuant to the said order, the Superintendent, Central Jail-01, Tihar, New Delhi, forwarded the medical report dated 14.10.2023 prepared by the Senior Medical Officer, Central Jail-01, Tihar, New Delhi. The same also records that the petitioner is a follow-up case of Bilateral Inguinal Hernia and Gall Bladder Stone.

6. It is confirmed in the Report that the applicant/petitioner was sent to DDU Hospital, Surgery Department, where he was examined by a surgeon and advised work-up for surgery, blood investigations and PAC Clearance. On 13.07.2026, the applicant/petitioner was again sent to the DDU Hospital, PAC Department, where he was examined by a doctor and advised blood investigations, chest X-ray, and ECG.

7. The Report further mentions that on 04.08.2026, the applicant/petitioner visited Central Jail-01 Dispensary, where he complained of the left-sided Inguinal Hernia distended with pain. On 26.09.2026 and 03.10.2026, the petitioner/applicant made similar complaints of severe pain.



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8. The petitioner/applicant was sent to the PAC Department of DDU Hospital on 13.07.2026, 07.08.2026, 12.09.2026, and 10.10.2026. On each occasion, he was examined by a doctor and further tests were advised. The Report, after taking note of the condition of the applicant/petitioner, concludes as under:

At present, surgery has been already advised by DDU Hospital and PAC is going on for **Gall Bladder Stone and B/L inguinal Hernia. Further Surgery Department of DDU Hospital will decide the necessity of the surgery.** He is stable at present and receiving all best possible treatment through Jail Dispensary and DDU Hospital.

9. In the circumstances, it is apparent that the petitioner has to undergo surgery. From the aforesaid facts, it transpires that the surgery was advised almost a year ago and has remained unscheduled since then, while the Inguinal Hernia has become distended and painful.

10. The Supreme Court in **Mukesh Kishanpuria v. State of West Bengal, (2010) 15 SCC 154**, remarked upon the powers of the Court to grant interim bail in the following manner:

*“3. However, the petitioner may apply for regular bail before the Court concerned and along with the said application, he may file an application for interim bail pending disposal of the regular bail application. **We have made it clear on a number of occasions that the power to grant regular bail includes the power to grant interim bail pending final disposal of the regular bail application. This power is inherent in the power to grant bail, particularly in view of Article 21 of the Constitution of India.** We are of the opinion that in view of Article 21 of the Constitution, a person should not be compelled to go to jail if he can establish prima facie that in facts of the case he is innocent.”*

(emphasis supplied)



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11. The Supreme Court in *Arvind Kejriwal v. Directorate of Enforcement*, (2024) 9 SCC 577, reproduced the observations by this Court made in *Athar Pervez v. State (NCT) of Delhi*, 2016 SCC OnLine Del 6662 *qua* the grounds for granting interim bail:

“20. The expression “interim” bail is not defined in the Code. It is an innovation by legal neologism which has gained acceptance and recognition. The terms, “interim” bail/“interim” suspension of sentence, have been used and accepted as part of legal vocabulary and are well known expressions. The said terms are used in contradistinction and to distinguish release on regular bail during pendency of trial or appeal till final adjudication. Applications for “interim” suspension or bail are primarily moved and prayed for, when the accused or convict is not entitled to or cannot be granted regular bail or suspension of sentence, or the application for grant of regular bail is pending consideration and is yet to be decided. “Interim” bail entailing temporary release can be granted under compelling circumstances and grounds, even when regular bail would not be justified. Intolerable grief and suffering in the given facts, may justify temporary release, even when regular bail is not warranted. Such situations are not difficult to recount, though making a catalogue would be an unnecessary exercise.”

(emphasis supplied)

12. Considering the circumstances, the applicant/petitioner is admitted to interim bail for a period of thirty (30) days from the date of his release.

13. This is subject to the applicant/petitioner furnishing a personal bond in the sum of Rs. 50,000, with one surety of the like amount to the satisfaction of the concerned Judge, subject to the following conditions:

- a. The applicant/petitioner shall utilise the interim bail only to undergo the surgery and treatment advised for him at DDU Hospital. He shall furnish copies of the admission, operation, and discharge records to the concerned Investigating Officer



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- (IO) and to the Jail Superintendent at the time of surrender;
- b. The applicant/petitioner shall not leave the NCT of Delhi or travel out of the country without the prior permission of the trial Court;
 - c. The applicant/petitioner shall provide his permanent address to the trial Court, and also the address where he will be residing during the pendency of the case;
 - d. The applicant/petitioner shall intimate the Investigating Officer (IO) and file an affidavit before the trial Court regarding any change in his residential address;
 - e. The applicant/petitioner shall furnish his mobile number to the Investigating Officer (IO)/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be kept switched on, with location services enabled at all times, and the same shall be shared with the IO. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;
 - f. The applicant/petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;
 - g. The applicant/petitioner shall not indulge in any criminal activity during the period of bail;
 - h. On expiry of the interim bail, the applicant shall surrender before the concerned Jail Superintendent.



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14. If any of these conditions is breached, it shall be open to the State to seek cancellation of bail.

15. The present application is disposed of in the above terms.

16. It is clarified that the observations made herein are solely for the purpose of deciding the present bail application and shall neither influence the trial proceedings nor be construed as an expression of opinion of this Court on the merits of the case or the pending regular bail application.

17. Let a copy of this order be communicated to the concerned Jail Superintendent, electronically, for information and necessary compliance

BAIL APPLN. 3477/2026

18. List on the date already fixed, *i.e.*, 27.10.2026.

SACHIN DATTA, J

OCTOBER 15, 2026/cl/vk