



2026:DHC:9259



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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. DLHC010501792026

+ BAIL APPLN. 4438/2026 & CRL.M.A. 32752/2026

LOVKESH BAJAJ

.....Petitioner

Through: Mr. Nitin Ahlawat, Ms. Preeti Yadav,
Mr. Kanwar Abhay Singh and Mr.
Gagan Jaglan, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State along
with Insp. Subhash Chand, PS
Malviya Nagar.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The petitioner, *via* the present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [corresponding to Section 439 of the Code of Criminal Procedure, 1973 (hereinafter "*CrPC*")], seeks extension of interim bail granted to him by this Court on medical grounds, *vide* order dated 21.09.2026 in Bail Application No. 3803/2026.
2. The petitioner/applicant is an accused in FIR No. 197/2026, registered under Sections 105/326(g)/324(5)/125(a)/125(b)/287 of the Bharatiya Nyaya Sanhita, 2023, at P.S. Malviya Nagar. Pursuant to paragraph 7 of the order dated 21.09.2026 in Bail Application No. 3803/2026, the interim bail is set to expire on 22.10.2026.
3. The medical reports, placed on record by the petitioner, show that



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after the release, the applicant is suffering from post-operative complications. Reliance is placed on the medical records and prescriptions issued by the Batra Hospital. In particular, reference is made to the Ultrasound Report dated 09.10.2026. The same records the following:

PATIENT NAME: MR LOVKESH

AGE/SEX: 59Y/M

REFD BY: DR SCL GUPTA

DATE: 09-10-2026

ULTRASOUND SCAN OF WHOLE ABDOMEN

Liver is normal in size (14cm) shape and shows normal echogenicity. No focal defect or lesion seen. IHBR not dilated. PV is of normal caliber. There is evidence of a thick hypoechoic collection of volume 28cc subcapsular in location between liver and anteropyloric region of stomach.

Gall bladder is distended and lumen shows sludge with microliths in visualised scan with 8mm focal rent in anterior wall with sealed thin rim of collection. rest of GB wall thickness is normal. CBD is of normal caliber.

Pancreas: appear normal in size, shape and echotexture. No peripancreatic collection is seen. **Spleen** is normal in size and shape. Echotexture is normal. No dilated vessels is seen.

B/L Kidneys: are normal in size, shape and C-M differentiation. The pelvicalyceal system shows no calculus or calyceal separation. Renal parenchymal thickness is normal.

Both kidneys are moving with respiration.

Right kidney measures 9.3 x 5.7 cm

Left kidney measures 9.7 x 3.9 cm.

Urinary bladder: is distended, shows normal wall thickness and echofree lumen. No evidence of calculus, SOL or diverticula is seen.

Prostate is normal in size (24 cc), shape and echotexture.

No evidence of free fluid or basal pleural effusion on either side.

No significant retroperitoneal or mesenteric lymphadenopathy identified. **Inflamed echogenic omentum noted in infraumbilical region and right hypochondrium.**

Inflamed echogenic bowel loops noted upto 2.5 cm with sluggish peristalsis in right lumbar region rest Bowel pattern is unremarkable.

IMPRESSION: SLUDGE WITH MICROLITHS IN GALL BLADDER WITH SEALED PERFORATION .
SUBACUTE SMALL BOWEL OBSTRUCTION NOTED
THICK HYPOECHOIC COLLECTION NOTED AS DETAILED

To be correlated clinically.

DR. VA KIRTI

4. Learned APP for the State opposes the present application on the ground of the gravity of the offence. He further submits that the petitioner/applicant was initially operated in Chikitsa Hospital and thereafter was admitted to Batra Hospital, from where he was duly discharged on 04.10.2026. He further submits that, at present, the application is not accompanied by any cogent documentation showing that the applicant is re-



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admitted to Batra Hospital on account of alleged medical complications.

5. Considering the medical reports appended to the application, it does appear, especially from the above reproduced Ultrasound Report and the prescription dated 09.10.2026 of the concerned doctor at Batra Hospital, that the petitioner is suffering from post-operative complications.

6. Learned counsel for the applicant/petitioner submits that the applicant is re-admitted to Batra Hospital. It is also pointed out that the applicant is a 59-year-old person, suffering from diabetes.

7. 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)

8. 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



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*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)

9. In the circumstances, having regard to the post-operation complications and the medical reports, the interim bail granted to the applicant/petitioner, *vide* order dated 21.09.2026 in Bail Application No. 3803/2026, is extended by a period of six (6) weeks from the date of its expiry.
10. All the terms and conditions that are applicable to the bail granted *vide* order dated 21.09.2026 in Bail Application No. 3803/2026 shall be applicable for this extended period as well.
11. The IO shall verify the medical documents filed by the applicant/petitioner. If any of the documents is found to be not genuine, or the applicant's/petitioner's condition is found to be misrepresented, the State would be at liberty to file an application seeking cancellation of the interim bail.
12. The applicant is directed to surrender before the Jail Superintendent on the expiry of the extended period of interim bail.
13. The application stands disposed of in the above terms.

OCTOBER 15, 2026/at/vk

SACHIN DATTA, J

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