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

% ***Date of Decision: 20.11.2026***

\# **CNR No.DLHC010406852026**

\+ **BAIL APPLN. 3602/2026**

AMAN SEHAL .....Petitioner

Through: Mr. Aditya Aggarwal and Ms. Shivani Sharma, Advs.

versus

STATE .....Respondent

Through: Ms. Priyanka Dalal, APP for the State.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. By way of the application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), the applicant/petitioner seeks interim bail on medical grounds. The applicant/petitioner is an accused in a case arising out of FIR No. 182/2026, dated 12.07.2026, registered at P.S. Crime Branch, Delhi, under Sections 20/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. On 22.09.2026, this Court directed that the applicant/petitioner be examined at the Rajiv Gandhi Super Speciality Hospital and that the entire medical record of the applicant/petitioner be placed on record.

3. It transpires that the aforesaid direction could not be carried out because the said Hospital has no Oncology Department/Oncology OPD, as

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has been reported by the Senior Medical Officer, Central Jail No. 11, Mandoli, Delhi, in the latest medical status report. The Medical Officer, in the same report, requested that the applicant/petitioner be referred to Delhi State Cancer Institute, or any other government hospital having an Oncology Department, for further evaluation and management.

4. Learned counsel for the applicant/petitioner submits that the applicant/petitioner is a cancer patient and thereby needs regular reviews, scans, and tests, which are not possible in custody.

5. It is pleaded on behalf of the applicant/petitioner that Testicular Seminoma, despite surgical removal, carries a persistent risk of recurrence. If it is not monitored, the disease may progress silently and become life-threatening.

6. It is further pleaded that since July 2026, the applicant's/petitioner's health has deteriorated severely, and there is an ostensible weight loss of approximately five (5) kgs in a short span of time, which is a serious concern after cancer.

7. The legal position is well settled that interim bail may be granted for compelling medical reasons, even when the grant of regular bail may not be justified. In this regard, reference may be made to the observations made by the Supreme Court in ***Satyendar Kumar Jain v. Directorate of Enforcement,*** **2023 SCC OnLine SC 686**, as under:

> *"3. After hearing learned counsel for the parties, at present there is no reason to disbelieve the Report of G.B. Pant Institute of Post Graduate Medical Education and Research.* ***We think it appropriate that the citizen is having a right to take treatment of his choice, at his own expenses, in a private hospital.****"*
>
> (emphasis supplied)

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8. Further, 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.*"
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> (emphasis supplied)

9. The Supreme Court in ***Arvind Kejriwal v. Directorate of Enforcement*, (2024) 9 SCC 577**, noted 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***

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making a catalogue would be an unnecessary exercise."

(emphasis supplied)

10. In the facts of the present case, this Court is inclined to grant interim bail for a limited period in view of the cancer history of the applicant/petitioner, and also considering that the applicant's/petitioner's last scan was done only in 2025.

11. Further, as noted above, in the latest medical status report submitted by the Senior Medical Officer, Central Jail No. 11, Mandoli, Delhi, it has been suggested that the applicant/petitioner be referred to Delhi State Cancer Institute, or any other government hospital having an Oncology Department, for further evaluation and management.

12. Accordingly, the applicant/petitioner is directed to be released on interim bail for three (3) weeks from the date of his release, subject to him furnishing a personal bond in the sum of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned trial Court, on the following conditions:

(i) the interim bail shall only be for the purpose of enabling the applicant/petitioner to get himself examined at Delhi State Cancer Institute (DSCI), East Dilshad Garden, Delhi, to undergo tests and take advice;

(ii) the applicant/petitioner shall surrender before the concerned Jail Superintendent on the expiry of three weeks from the date of his release;

(iii) the applicant/petitioner shall submit his medical tests and the results thereof, and the details of the medical treatment

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administered to him during this period, to the concerned Jail Superintendent;

(iv) the applicant/petitioner shall not leave the NCT of Delhi without prior permission of the trial Court;

(v) the applicant/petitioner shall provide his permanent address to the learned trial Court and also the address where he will be residing during the pendency of the case;

(vi) the applicant/petitioner shall intimate the Investigating Officer (IO) of any change in his residential address and shall file an affidavit to that effect before the learned trial Court;

(vii) the applicant/petitioner shall furnish his mobile number to the IO/Station House Officer (SHO) concerned, which shall be kept in working condition and switched on at all times. The mobile number shall not be changed without prior intimation to the IO during the pendency of the trial;

(viii) the applicant/petitioner shall not, directly or indirectly, contact the complainant, any prosecution witness, and their family members;

(ix) 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 in the case in any manner whatsoever; and

(x) the applicant/petitioner shall not indulge in any criminal activity during the period of bail.

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

14. It is clarified that the observations made herein are solely for the

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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.

15. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

SACHIN DATTA, J

NOVEMBER 20, 2026/r,vk

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