

(2022) 05 DEL CK 0241

In the Delhi High Court

Case No : Bail Application No. 1447 Of 2022

Rambeer Shokeen

APPELLANT

Vs

State Nct Of Delhi

RESPONDENT

Date of Decision : 30-05-2022

Acts Referred:

Maharashtra Control of Organised Crime Act, 1999 — Section 3, 4
Indian Penal Code, 1860 — Section 223, 224
Code Of Criminal Procedure, 1973 — Section 91

Citation : (2022) 05 DEL CK 0241

Hon'ble Judges : Talwant Singh, J

Bench : Single Bench

Advocate : Tanveer Ahmad Mir, Kartik Venu, Samaksh Sharma, Tarang Srivastava

Final Decision : Disposed Of

Judgement

Talwant Singh, J

1. This is an application for interim bail for 15 days for medical treatment/surgery of petitioner's wife. The petitioner is in custody in case FIR No. 10/2015 registered under Section 3 and 4 MCOCA Act, PS Special Cell, Lodhi Colony.

1.1 Charge sheet stands filed in this case.

1.2 It has been submitted that the wife of the petitioner, namely, Ms. Rita Shokeen is having an ailment for a long period of time but the same has aggravated in the last few days and the doctors are now suggesting a surgery to be performed. She is diagnosed with Menometrorrhagia due to which she is having abnormal Uterine bleeding, which can be cancerous and it has to be treated as soon as possible.

1.3 She is to be discharged after 3-4 days of surgery and the surgery to be conducted is diagnostic laparoscopy, Dilation and Curettage (D&C), cervical biopsy and IUCD insertion.

2. Notice was issued. Status report stands filed.

3. The medical documents have been verified from Fortis Hospital, Vasant Kunj, Delhi. As per the reply of the hospital, the patient had last visited the OPD on 29.09.2021. She was admitted for surgery on 13.03.2022 and discharged on 16.03.2022.

3.1 The surgery is minor/day care and after the surgery, the patient will be kept in day care unit.

3.2 In brief facts, it is mentioned that the present FIR was registered on 23.02.2015 against notorious gangster, Neeraj Sehrawat and his associates for running a crime syndicate by creating havoc in Delhi and other States by committing a series of sensational crimes.

3.3 During investigation, the role of the present petitioner surfaced as an active member and political face of the syndicate. He was arrested on 27.11.2016 in another case and on 01.12.2016, he was arrested in the present case after his interrogation and upon finding satisfactory grounds of arrest.

3.4 The petitioner is Mama of co-accused Pankaj Sehrawat and Neeraj Sehrawat alias Neeraj Bawania, who had financed the election campaign of the present petitioner. He is also stated to be involved in getting the sharp shooter of the gang, namely, Amit Malik alias Bhura forcibly released from the custody of Uttarakhand Police when he was taken to Baghpat, Uttar Pradesh on 15.12.2014, and arms and ammunitions were also looted from the Police officials. The gang had made all efforts to ensure victory of the petitioner's wife, Ms. Rita Shokeen by spending huge amount of extortion money and by use of muscle power.

3.5 The petitioner is stated to be involved in land grabbing. He is also stated to be involved in 5 other cases. The petitioner is found to be providing harbour and other assistance to the syndicate members. On 26.09.2018, the petitioner had escaped from the custody of Police escort party from Safdarjung Hospital, New Delhi, for which FIR No. 242/2018 under Section 223/224 IPC, PS Safdarjung Enclave was registered and he was declared absconder by the learned Trial Court and he remained absconded for over 27 months.

3.6 The interim bail has been opposed on the ground that the petitioner is a high-risk criminal member of the syndicate, involved in sensational crimes, including gruesome and inimical murders, extortions, obstructing Government servants and committing crimes under Arms Act, etc. in Delhi and other States.

3.7 The petitioner wants to get interim bail on frivolous grounds of the surgery of his wife, which was not conducted when she was admitted on 13.03.2022. The surgery is minor/day care and after surgery, she will be kept in day care unit. The patient has not gone through biopsy till date, which is necessary for conducting the surgery and the patient has not visited the hospital for follow up since 16.03.2022.

3.8 Moreover, keeping in view the antecedents of the accused and the seriousness of the offences, the petitioner was allowed to meet his wife by granting him 6 hours of custody parole on 16.03.2022 on humanitarian ground but the petitioner did not avail it and his wife was also discharged from the Hospital on the same day.

4. I have heard the arguments.

4.1 Interim bail has been prayed for the surgery to be conducted upon the wife of the present petitioner.

4.2 A notice under Section 91 Cr.P.C. was given to the Hospital by the Police officials and response thereto dated 19.05.2022 was received. The relevant paragraphs of the said response are quoted here under:

"e. In view of the clinical history, h/o cancer of the uterus in the family and ultrasound and Patient already had an ultrasound done prior to the visit of the hospital which was enough for surgery. Hence no additional tests were advising.

f. No test was done due to the tests are to be done after admission and no tests are required before admission.

g. Please find attached herewith the attested copy of the all bills with mode of payments annexed herewith annexure 4.

h. Please find below details of doctors who seen the patient Mrs. Reeta Shokeen:-

Dr. Hemanth Kumar Kasaragod, Sr. Consultant, General Surgery, DMC No-4429

Dr. Neema Sharma, Sr. Consultant OBS & GYN, DMC No-5851.

Dr. Alka Jha, Sr. Consultant, Diabetology, DMC No-586.

Dr. Sidharth Challani, Consultant Mental Health & Behavioural Sciences DMC No-DMC/R/3679.

Dr. Arti Nangia Sr. Consultant Ophthalmology, DMC No-2275.

i. The surgery is day care/minor.

j. After surgery the patient will be kept in the day care unit.

k. It depend on the recovery of the patient after surgery but in mostly cases after 5-7 days patient able to do daily routine works.

l. The alternative treatment for this illness available but because of family h/o cancer of the uterus it is important to have a biopsy before starting treatment."

4.3 Keeping in view the past conduct of the present petitioner, as he has escaped from custody when he was taken to Safdarjung Hospital, New Delhi on 26.09.2018; the serious allegations against him of being involved in 5 cases apart from the present case under MCOCA Act and he being alleged to be an active member of the crime syndicate run by co-accused, Neeraj, I am not

inclined to release him on interim bail.

4.4 However, keeping in view the fact that his wife has to undergo a minor surgical operation, as per the report of the Fortis Hospital, Vasant Kunj, New Delhi dated 19.05.2022, I am inclined to grant him day custody parole for 6 hours on each day when his wife is admitted to the Hospital for tests, the surgery and for post-operation care.

4.5 The petitioner will submit the surgery schedule, as finalised by the Doctors of the Fortis Hospital. From the date of admission of the wife of the petitioner, namely Rita Shokeen, to the date of her discharge, the petitioner is granted custody parole on each day for 6 hours between 8 a.m. to 6 p.m. The 6 hours time period is to be decided as per the request of the petitioner during this time slot. The said concession is available to the petitioner either for one week from the date of the first visit or the date of discharge of Rita Shokeen, whichever is earlier.

5. The application is accordingly disposed of.

6. Copy of this order be sent to the concerned Jail Superintendent for information and compliance.