

State Vs. Mohd. Rehan @ Gaonwala
CNR No.: DLCT01-232278-2024
SC No. 109/2024
FIR No. 429/2023
Under Section 307/385/506/120B/34 IPC
PS : Chandni Mahal

17.07.2026

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Atul Kumar Sharma, Ld. Counsel for the complainant.
Mr. Vineet Jain, Ld. Counsel for the applicant/accused, namely, Mohd. Rehan @ Gaonwala.
Complainant is present.

ORDER

1. The present application has been moved under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*), on behalf of accused, namely, Mohd. Rehan @ Gaonwala (*hereinafter referred to as the 'applicant'*), seeking interim bail for a period of 45 days on medical grounds.

2. Learned Counsel for applicant has submitted that the applicant has been languishing in judicial custody since 17.11.2023 and the trial is likely to take considerable time. Ld. Counsel further submitted that during the long incarceration of the applicant, he has been suffering with multiple health issues and has been diagnosed and treated in Jail Hospital, however, there is no improvement in the health of the applicant, he was referred to Dr. Baba Sahab Ambedkar Hospital as a jail patient. Ld. Counsel further submitted that at Dr. Baba Sahab Ambedkar Hospital, the applicant was diagnosed with fatty liver, chest infection, kidney issues as well as Hernia. As per Ld. Counsel, during his visit to the said Hospital, the concerned Doctor has

advised surgery for his Hernia problem and provisional date of surgery/admission of the applicant is 04.08.2026, besides review of the applicant two weeks prior to his admission. Ld. Counsel further submitted that since the applicant is suffering with severe multiple health issues and concerned Doctor has given a long date for surgery due to heavy rush and long queues in the hospital, the applicant desires to get him operated from a private/specialty Hospital for his Hernia problem so that he can recover from his health issues earlier. Ld. Counsel submitted that co-accused persons, stated to be having same role, have already been granted regular bail. Ld. Counsel further submitted no recovery has been effected from the possession of the applicant and there is no requirement of custodial interrogation of the applicant. It is further argued by Ld. Counsel for applicant that there is no chance of the applicant absconding from trial or misusing the liberty, if granted by this court. Lastly, it was submitted by the Ld. Counsel that the applicant is ready to abide all the terms and conditions imposed by this Court while granting interim bail, including co-operating the investigating authorities and making himself available for further investigation, as and when called for.

3. *Per contra*, Ld. Addl. PP for the State vehemently opposed the present application on the ground that the applicant was actively involved in the commission of offence in the instant case, being a grave offence. It was further submitted that in case bail is granted to the applicant, there are chances that the prosecution's witnesses would be exposed to threat, coercion and/ or undue influence, besides there is a reasonable likelihood of flight risk of the applicant. Accordingly, Ld. Addl. PP prayed

that the present application may be dismissed. Correspondingly, Ld. Counsel for the complainant while supplementing the argument of Ld. Addl. PP for the State, has submitted that no medical exigency is forthcoming, convincing this Court to grant any relaxation in favour of the applicant at this stage. Even otherwise, as per the Ld. Counsel, the proposed surgery is purely elective in nature and there is no exigency which would convince this Court to grant any relaxation in favour of the applicant.

4. The arguments of Ld. Counsel for applicant, Ld. Counsel for the complainant and that of Ld. Addl. PP for the State have been heard as well as case record(s), thoroughly perused.

5. At the outset, it is noted that during the course of proceedings before this Court, an application was moved by/on behalf of the applicant, seeking permission to obtain consultation from a private Doctor. Pertinently, the said application was allowed by this Court *vide* order dated 11.07.2026, thereafter, report was filed from the JMC Hospital, apprising this Court that the applicant has been scheduled for surgery on 20.07.2026. Markedly, a verification of the said documents /proposed date of surgery was called for from the concerned IO, whereupon a report has been received by this Court today i.e. on 17.07.2026, wherein it has been inter alia opined by the concerned Doctor that the proposed surgery is elective in nature and not emergent. Correspondingly, it has been opined by the concerned Doctor that the expected duration of surgery is about 60-90 minutes with around 1-2 days, post-operative care depending upon intra-operative finding and post-operative recovery. At the same time,

this Court in receipt of report dated 16/17.07.2026, wherein it has been *inter alia* recorded as under;

“...This medical report is in continuation to the previous medical report vide dak no. SMO/CJ-10/2026/2761 dated 07.07.2026.

In reference to the subject cited above and as per the available medical records, the inmate/patient is suffering from Umbilical Hernia for which he is advised Surgery-Mesh Hernioplasty and the provisional date of admission for the same at Department of Surgery, Dr. BSA Hospital is 04.08.2026 and a review with the concerned doctor at Dr. BSA Hospital before 2 weeks prior to date of surgery is scheduled on 21.07.2026 as advised. Until then, the patient has been advised oral medication which are being provided to him from jail dispensary on OPD basis.

He was called up to jail dispensary on 16.07.2026 to review his medical condition and he was provided all the prescribed medications as advised.

At present, the inmate/patient is haemodynamically stable and all the prescribed medicines are being provided from jail dispensary.”
(Emphasis supplied)

6. Consequently, from a comprehensive analysis of the above reports, it is perspicuously deduced that the applicant/accused is being administered regular check-up and medical treatment, besides the applicant is proposed for a surgery at BSA Hospital on 04.08.2026, preceded by review for 21.07.2026. Correspondingly, it is seen from the above that no exigent circumstances are forthcoming at present, considering that even the concerned Doctor at JMC Hospital has opined that the proposed surgery is elective in nature and that presently no exigent circumstances are forthcoming. Needless to mention that the applicant is stated to be provided with necessary medication from jail dispensary on OPD basis. Accordingly, in view of the foregoing, the apprehension expressed by/on behalf of the

applicant regarding the lack and/or absence of proper medical treatment at the Jail or that of exigent requirement of surgery, does not appear to be justified at this stage, by this Court, in view of the said reports. Needless at this stage for this Court to iterate that the fundamental principle governing the grant of interim bail is that such a relief may be granted only under compelling circumstances (Refer to; *Athar Pervez v. State, 2016 SCC OnLine Del 6662*). However, for the reasons noted hereinunder, no compelling ground and/or reason is demonstrable on behalf of the applicant in the present case, convincing this Court to grant any indulgence in favour of the applicant. Therefore, in light of the foregoing, this Court does not find any weight in the contention of the Ld. Counsel for applicant seeking grant of interim bail at this stage.

7. Consequently, in conspectus of the above and further keeping in view the nature and gravity of the case/offence, the fact of applicant is involved in a crime of heinous nature, severity of punishment, manner of commission of offence and the apprehension expressed that if granted bail, the applicant may flee from justice, this Court does not deem it fit to grant interim bail to the applicant at this stage. Needless, to further reiterate that the applicant has further failed to establish any compelling reasons for grant of interim bail at this stage.

8. Accordingly, the application for interim bail in respect of the applicant, namely, **Mohd. Rehan @ Gaonwala** is *dismissed*.

9. A copy of the present order be given *dasti* to the Ld. Counsel for the applicant, namely, Mohd. Rehan @ Gaonwala . Further, a **copy of this order be sent to the concerned Jail**

Superintendent with the direction to hand over a copy of order to the applicant.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
17.07.2026