

DLNT01-006875-2021
Session Case no.436/2021

IA/6/21

FIR No. 218/2021

PS-Crime Branch (Model Town)

State Vs. Sushil Kumar & Ors. (**Gaurav Laura**)

U/s-302/307/308/364/365/452/323/342/188/269/147/
148/149/506(II)/392/394/397/411/201/109/120B/34 IPC
& u/s 25(1) (B) /27(1) Arms Act

10/12/2021

File taken-up today as this application u/s 439 CrPC for grant of custody bail/parole on 11/12/2021 on account of marriage of real sister, moved on behalf of applicant/accused Gaurav Laura is placed before me since the regular matter is pending before this Court.

Present: Sh. J.S. Malik, Id. substitute Addl. PP for the State.
Sh. Sumeet Shokeen, Id. counsel for the applicant/accused.

Reply to the application has been received.

It is submitted by Id. counsel for the applicant/accused that marriage of real sister of the applicant/accused namely Geeta is scheduled for 11/12/2021 at a park close to their house situated at H.No. 469, Village Baprola, P.P. Colony, Najafgarh-Nangloi Road, New Delhi-110043 and presence of the applicant/accused is necessary to attend the marriage being the real brother. He has further submitted that for the purpose of attending the wedding, the applicant/accused may be granted custody parole for 11/12/2021 at night time, without applying any hand-cuffing and fetters and further direct the accompanying police officials to be in plain civil clothes in view of the judgments of Hon'ble High Court in the case of **Bijender @ Binder Vs State of NCT of Delhi, Special Leave to Appeal (Crl.) 3244/2021, date of decision:-19/04/2021 & Bail Application no 1018/2021, titled as Bijender @ Binder Vs The State, date of decision 07/04/2021.**

On the other hand, Id. Addl. PP for the State has submitted that as per jail manual, the custody parole can be granted for day time only.

Heard. Keeping in view the fact that factum of marriage of sister of the applicant/accused on 11/12/2021 has been verified and also in view of the fact that

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:2:

applicant/accused is the only real brother, so, his presence is necessary to attend the marriage, **the custody parole for 11/12/2021 from 11.00 am. to 5.00 p.m. at a park close to the house situated at H.No. 469, Village Baprola, P.P. Colony, Najafgarh-Nangloi Road, New Delhi-110043, is granted to the applicant/accused. The concerned Jail Superintendent is directed to take the applicant/accused to the aforesaid venue on 11/12/2021 from 11.00 a.m. to 5.00 pm and he may be re-lodged in the prison immediately thereafter.** As regards the submission of Id. counsel for the applicant/accused that the applicant/accused may be taken at the venue of the wedding without handcuffs and fetters and the escorting staff may be directed to be in plain civil clothes, is left at the discretion of the concerned Jail Superintendent, who shall decide the same taking into consideration the fact that the present applicant/accused is in the category of high risk. The application is disposed of accordingly. Let copy of this order be sent to concerned Jail Superintendent for information and compliance.

The application be tagged with the main case file.

Put upon date fixed for purpose fixed.

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:10/12/2021(A)