

I.A NO. 39-2026
SC No.439/2023
STATE Vs. SAHIL GAHLOT & ORS
(APPLICANT NAVEEN KUMAR)
FIR No. 76/2023
PS : CRIME BRANCH
U/s : 302/201/202/212/120B/34 IPC

27.03.2026

ORDER

Present: Shri Girish Kumar Manhas, Ld. Addl. PP for State.
Shri Aditya Aggarwal, Ld. Counsel for the accused/
applicant Naveen (through VC).
IO Inspector Anil Malik present through VC.

- 1. This is an application filed by the applicant/accused Naveen Kumar seeking grant of interim bail inter alia on the ground that the surgery of his wife is to be conducted at B.H. Salvas Hospital, Delhi.*
- Briefly stating, it is the case of the applicant that his wife namely Anita, was diagnosed on 04.01.2026 with anal fissure/piles and was advised surgical treatment, namely Laser Sphincterotomy (Excision of thrombosed piles), Laser Haemorrhoidectomy and Laser Fissurectomy, which was initially planned for 13.01.2026. It is further the case of the applicant that the said surgery could not be performed at that stage as there was no one available in the family to take care of his wife, there being two minor children and an old-aged mother in the family. It is also stated that the applicant had earlier been granted interim bail vide order dated 12.01.2026, which was subsequently

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extended from time to time and that during the said period he got his CGHS card renewed so that his wife could avail treatment from a CGHS empanelled hospital. It is further submitted that on 19.01.2026, consultation referral from CGHS was obtained and the wife of the applicant was taken to B.H. Salvas Hospital, where further tests were advised and surgery was planned for 25.01.2026. According to the applicant, on 25.01.2026, the surgery could not be performed as his wife was suffering from high-grade fever and thereafter she revisited the hospital on 29.01.2026 and again on 05.02.2026 when the treating surgeon advised surgery. It is further contended that the applicant surrendered before the jail authorities on 06.02.2026 and the surgery could still not be conducted. It is further submitted that on 12.03.2026 and again on 23.03.2026, the wife of the applicant visited the hospital due to severe pain during defecation, whereafter the surgeon advised that the surgery be conducted within a week and directed her admission for surgery on 28.03.2026. On these grounds, interim bail has been sought.

3. Reply has been filed by the IO opposing the application. It is stated therein that verification was conducted from B.H. Salvas Hospital, Delhi, and the OPD slips furnished by the applicant stand verified. It is, however, further stated that similar reports had earlier also been received regarding the

proposed surgery of the wife of the applicant and that even on the previous occasion the applicant had availed interim bail and extensions thereof on the same ground. Ld. Addl. PP for the state assisted by the IO submits that the proposed surgery is for fissure, which is a minor surgery and that despite being granted interim bail earlier on the same ground, the applicant did not get the surgery conducted. It is thus contended that the conduct of the patient/applicant's family does not reflect seriousness for the surgery and that the present application is merely an attempt to secure release again on the same ground. It is also pointed out that the wife of the applicant has other family members, namely her mother-in-law aged about 65 years and two sons aged about 10 years and 5 years.

4. Learned counsel for the applicant has submitted that the applicant was released on interim bail only once vide order dated 12.01.2026, though the same was extended on subsequent dates and that the surgery earlier could not be performed due to the necessity of renewal of the CGHS card and allied circumstances.
5. I have heard Learned counsel for the applicant/accused, Learned Addl. PP for the State and the IO and further have perused the record carefully.
6. It is not in dispute that the applicant had earlier been granted interim bail on medical/humanitarian grounds in connection with the treatment and surgery of his wife. It is

also not in dispute that despite availing such interim bail and its extensions, the surgery in question was not ultimately conducted during that period. The explanation now offered by the applicant is that the same could not be performed due to renewal of the CGHS card, fever of the patient and subsequent medical advice. Apparently the present application is again founded on substantially the same ground namely surgery for anal fissure/piles of the wife of the applicant which as per the verification by the Investigating Officer is a minor surgical procedure. The OPD slips relied upon by the applicant though have been verified, however, the mere existence of medical advice does not automatically entitle an accused to interim bail, especially where similar indulgence has already been granted earlier for the same purpose.

7. This Court is conscious that under compelling circumstances and grounds such as Intolerable grief and suffering even where regular bail may not be justified Interim bail can be granted. However, the record clearly shows that the applicant has already availed interim bail and extensions on the very same ground. The present application does not disclose any such exceptional or emergent circumstance of a grave nature which would persuade this Court to again extend the concession of interim bail, particularly when the proposed procedure is reflected to be a minor surgery and there are other family

members available in the household. This Court cannot be unmindful of the prosecution objection that repeated release on the same ground, without the surgery being actually undertaken during the earlier period of bail, militates against grant of further indulgence.

8. In these circumstances and the fact that interim bail had already been granted earlier to the applicant/accused on the same grounds, this Court is not inclined to grant interim bail to the applicant at this stage. Accordingly, the present application seeking interim bail filed on behalf of the applicant/accused Naveen Kumar is dismissed.

Nothing stated herein shall be construed as an expression on the merits of the case.

Copy of this order be given dasti to the Ld. Counsel for the accused/applicant as well as to the IO

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/27.03.2026