



\$~74

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

+ **CRL.A. 658/2019**

SMT POONAM @ SWEETY THROUGH PAROKAR HER SON
TARUNAppellant

Through: Mr. Mohit Chaurasia, DHCLSC.

versus

THE STATERespondent

Through: Ms. Manjeet Arya, APP for State with
SI K.M. Banti.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **15.05.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 4813/2021 (for extension of interim bail)

1. In view of the circumstances discussed hereafter, the application for extension of interim bail is dismissed.
2. This case raises certain vital issues. As reflected from record, the appellant filed the present appeal to assail her conviction for offences under Section 370A(2) IPC and Section 5/6 of Immoral Traffic (Prevention) Act. Vide order dated 02.06.2020, the predecessor bench directed release of the appellant on interim bail for a period of three months, subject to her furnishing a personal bond in the sum of Rs. 20,000/- to the satisfaction of the Jail Superintendent/Duty MM; and a surety of the like amount was to be furnished by the appellant within a week of the Trial Court resuming normal functioning. It appears that the appellant was released on interim bail, but till



date appellant is not traceable.

3. In these circumstances, when the matter came up before the predecessor bench on last date (27.02.2025), it was noticed by the court that the appeal was not filed by the appellant, but by her *pairokar*. Learned counsel for the appellant submitted before the predecessor bench on 27.02.2025 that he had not received any instructions from the appellant or her *pairokar*, so the predecessor bench directed Court Notice to the *pairokar* to be served by the Investigating Officer.

4. Today, Investigating Officer/SI K.M. Banti has appeared and submits the Status Report, which is accepted across the board to be scanned and made a part of the record. It is submitted by the Investigating Officer that neither the appellant nor the *pairokar* is traceable. The learned Trial Court also has sent in a closed envelope a report dated 22.03.2025, which be scanned and made a part of the record.

5. The practice of allowing the filing of all kinds of petitions including writ petitions, appeals, revision petitions and bail applications, etc., through *pairokars* is leading to such situations. During the period of Covid pandemic, such a practice was understandable. But in the normal circumstances, there is no reason to not ensure the filings by the person concerned instead of the *pairokars*. Quite often, it is seen that multiple bail applications are filed before the courts of concurrent jurisdiction, one signatory not being aware of the other filing, because both are filed by the so-called *pairokars*. Rather, at times the actual litigant is not even aware about filing of any such proceedings.

6. In view of such circumstances, I requested both sides to submit the rule/direction under which institution of such proceedings through *pairokars*



has been sanctified. But neither side is aware. Therefore, Registry is directed to submit a specific report and clarify as to whether in the current pandemic-free situation, there is any rule or practice direction permitting the proceedings to be instituted through *paurokars*.

7. Another vital issue that needs to be examined is that according to learned counsel for appellant, he was appointed by DHCLSC as a legal aid counsel, but he had no occasion to interact with the appellant or even the *paurokar*. It is informed by learned counsel that this matter came to him by way of transfer. But it needs to be ascertained as to whether before appointing a legal aid counsel, the authorities of DHCLSC had interacted with the appellant and/or her *paurokar*. A report in this regard be submitted by the Secretary of DHCLSC by the next date.

8. So far as the present appellant is concerned, now that there is no protection, the SHO, PS Vasant Vihar where the FIR was originally registered is directed to take all the steps to arrest the appellant.

9. Relist on 28.05.2025.

GIRISH KATHPALIA, J

MAY 15, 2025/DR

[Click here to check corrigendum, if any](#)