

IA No. 57/2022  
SC No. 144/2019  
State Vs. Kamaljeet @ Bittu  
FIR No. 37/2019  
PS: Dayalpur  
U/s: 302/120/34 of IPC

17.10.2022

Present: Sh. Manish Kumar, Ld. Counsel for the  
applicant/accused Kamaljeet @ Bittoo.  
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.  
IO is absented.

The matter is fixed for hearing arguments on the  
application for grant of interim bail for a period of 30 days filed  
by this applicant/accused Kamaljeet @ Bittoo.

IO was called upon, but, notice issued to the IO  
received back with the report that he is out of station for 7-8 days,  
so, he could not come today.

Ld. Counsel for the applicant/accused has submitted  
that his arguments may be heard.

I have heard Ld. Counsels for the parties.

The matter stands passed over till 4:00 PM for order  
on the bail application.

(PAWAN KUMAR MATTO)  
Addl. Sessions Judge (Special Judge NDPS)  
North East/KKD Courts/Delhi/17.10.2022

At 4:00 PM

Present: None for the applicant/accused Kamaljeet @ Bittoo.  
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.

The matter was passed over till 4:00 PM for order on the said application for grant of interim bail for a period of 30 days filed by the applicant/accused Kamaljeet @ Bittu.

Vide my separate detailed order of even date, the said application has been **dismissed**.

(PAWAN KUMAR MATTO)  
Addl. Sessions Judge (Special Judge NDPS)  
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**ORDER ON THE APPLICATION UNDER SECTION 439  
Cr.P.C FOR GRANT OF INTERIM BAIL FOR A PERIOD  
OF 30 DAYS FILED BY THE APPLICANT/ACCUSED  
KAMALJEET @ BITTU.**

1. This order of mine will dispose of an application under Section 439 of Cr.P.C for grant of interim bail for a period of 30 days filed by the applicant/accused Kamaljeet @ Bittu.
2. I have heard Ld. Counsels for the parties.
3. Ld. Counsel for the applicant/accused has submitted that this accused is suffering from heart disease. He has earlier suffered from heart-attack, so, he was earlier admitted in the hospital and submitted that earlier also, he was granted interim bail by the Ld. Predecessor of this court on the ground of ill-health and prayed for grant of interim bail for a period of 30 days so that he may get better treatment.
4. On the other hand, Ld. Addl. PP for State has vehemently opposed the application and submitted that this applicant/accused had fired on the deceased alongwith other co-accused and the fired arm used in the murder of the deceased has been recovered from this accused and also submitted that earlier this accused was granted interim bail by the Ld. Predecessor for a

period of 15 days vide order dated 28.01.2022, as he was seeking extension of interim bail on one pretext or the other and when this accused did not appear, this court had issued warrants of arrest against him and submitted that since this accused is BC (Bad Charactered) of the area and more than 50 criminal cases are registered against this accused and further submitted that even in the report of the senior Medical Officer of Central Jail No.13, Hospital, Mandoli Jail reveals that at present this accused is receiving all the medications from OPD of the Central No.13 Hospital as per the advice of the treating Doctor and GB Pant Hospital. He has further submitted that since this accused earlier after getting interim bail did not appear, so, this Court had to issue NBWs against him. He further submitted that in case, this applicant/accused is released on bail, he may temper with the evidence of the prosecution and he may also flee from the justice, so, he does not deserve the concession of interim bail and prayed for dismissal of the bail application of this applicant/accused.

5. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

6. The perusal of the record reveals that this applicant/accused is alleged to have committed murder of the deceased and he is also alleged to have fired at the deceased. The fired arm alleged to have been used in the commission of crime and is alleged to have been recovered from this accused. Perusal of the record also reveals that earlier this accused was granted

interim bail by the Ld. Predecessor of this court for 15 days and thereafter he sought extension from time to time and he did not surrender himself and this accused has not complied with the order of the court, so, in order to procure his presence, this court had to issue warrants of arrest against this accused. Since this accused is alleged to have committed heinous offence of murder, he is also getting all the medicines prescribed by the treating Doctors in the Jail. So, taking into consideration the nature of accusation, gravity of offence alleged to have been committed by this applicant/accused, his previous conduct and likelihood of his fleeing from justice, this applicant/accused does not deserve the concession of the interim bail. So, his application for grant of interim bail for a period of 30 days is hereby **dismissed**.

7. Superintendent of Central No.13, Mandoli/Tihar Jail, Delhi, is directed to provide better treatment to this applicant/accused so that his health may not be deteriorated.

8. Attested copy of this order be sent to the Superintendent of Central No.13, Mandoli/Tihar Jail, Delhi for compliance.

(PAWAN KUMAR MATTO)  
Addl. Sessions Judge (Special Judge NDPS)  
North East/KKD Courts/Delhi/17.10.2022