

Court hearing through webex online meeting

State Vs Salman
FIR No. 223/2019
PS: Karawal Nagar
U/s 392/397/411/34 IPC

06.07.2020

Present: Sh. Vijay Goswami, Ld. Counsel for the applicant/accused.
Sh. Ashok Kumar, Ld. Addl. PP for the State.
ACP Khajuri Khas for IO.

Report received from office of DCP, North-East, Delhi.
Submissions on the application heard.

The applicant is in custody in the present matter since 26/06/2010 and is praying to release him on bail with the submissions that he has been falsely implicated by the police in the case and has no concern with the same and that nothing is recovered from his possession and if any recovery shown by the police is planted. It is submitted that co-accused Imran has been released on bail. It is submitted that the mother of the applicant was suffering from tumour and has got operated and the applicant being the eldest member is very much necessary to be present to look after her. It is submitted that due to spread of COVID-19 the maintenance of social distance is not possible in jail and if the applicant is kept behind the bar then it will ruin his future prospects.

The court while dealing with the bail application of the applicant on earlier occasion observed certain lapses in the investigations and the same were brought into the notice of the office of DCP, North-East vide

order dated 27/01/2020. The investigations were to be carried out in regard to said lapses and considering that the investigations are not complete so far, the facts were again brought into the notice of DCP, North-East on the last date of hearing. The report is received from learned DCP, North-East intimating that show cause notice to the IO has been issued for his lapses in further investigation of case. The court is not concerned with the issuance of the show cause notice and the court has to ensure the completion of investigations in a speedy manner and the recovery of robbed articles in entirety and forwarding all the accused who were associated with the said robbery to the court so that they may be put on trial and the trial may be completed expeditiously. The completion of investigations in a speedy manner is recognized as a constitutional right by the courts. ACP, Khajuri Khas has joined the meeting in compliance of directions given by DCP, North-East and he seeks one-week time to complete the investigations.

The bail application is opposed by the learned APP with the submissions that the accused cannot be benefited for the lapses in the investigations. It is submitted that one phone which was robbed from the complainant has been recovered from the applicant and one chain has been recovered from co-accused whose name was disclosed by the applicant. It is submitted that the applicant is involved in number of matters of similar nature thus he cannot claim parity with the co-accused and if he is released on bail, he may commit similar offences after coming out from the prison.

Although, it is settled law that under trial cannot be kept in custody as a pre-trial punishment but considering the facts in the present case where applicant is involved in nine similar cases, as stated, trial in the matter is likely to be affected by the lapses in the investigations which may be wilful, I am of the view that the plea of learned APP about the commission of another offence is not baseless. In the facts of the case the application is

dismissed. It is expected that the investigations will be completed in speedy manner so that trial may be started at the earliest.

Copy of the order be sent to the parties.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ/NE/
KKD/Delhi/06.07.2020