

IA no. 5/24 in SC No. 58/17
State Vs. Hasmuddin @ Chhotu
FIR No.344/16
PS Karawal Nagar

31.07.2024

ORDER

1. Vide this order I shall dispose off the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Hasmuddin @ Chotu for grant of regular bail. Reply filed by the IO.

2. It is submitted by Id. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi or in any other Court in the present case FIR.

3. It is submitted by Ld. Counsel for applicant/accused that the present applicant/accused was granted regular bail in this case and he could not appear before this court on 06.10.2023 and this court was pleased to issue NBWs against him. Thereafter, process u/s 82 Cr.PC was issued by the Ld. Predecessor of this court on 05.12.2023 and 01.02.2024. Before the applicant/accused was declared as a proclaimed offender, the surety had produced him before this court on 05.03.2024. The applicant/accused moved an application seeking cancellation of NBWs issued against him, however the same was dismissed and he was taken into custody.

4. It is submitted by Id. Counsel for the applicant/accused that in the present case, the FIR was registered in the year 2016 and the case was committed before this court on 03.03.2017, yet till date not even a single prosecution witness has been examined and discharged. PW-1 HC Shyambir was partly examined in chief on 28.05.2022 and his further examination was deferred at the request of Ld. Addl. PP for the State, since he required some clarification from the IO. There are 13 prosecution witnesses and the trial is going to take some time.

5. It is submitted by Ld. Counsel for applicant/accused that he is ready to abide with any condition that this court may impose upon him if the bail is granted.

6. Per contra, It is submitted by the Ld. APP for the State that the present applicant/accused had absented himself on as many as 3 separate occasions and this court had to issued NBWs against him. The applicant/accused is a habitual offender and there are as many as 31 cases pending against him. Therefore, if he is released on bail at this stage, he may abscond again and flee from the hands of justice. Therefore, the State is strongly opposing the present bail application.

7. After considering the rival contention of the parties, I am of the view that considering the gravity of the offences and seriousness of the allegations leveled against the present applicant/accused, and considering the fact that the applicant/accused was not regular in appearing before this court and time and again NBWs and process u/s 82 Cr.PC was issued

against him. The applicant/accused is convicted of committing an offence punishable u/s 324/341/506 IPC, and there are more than 30 other cases pending against him, I am not inclined to grant him regular bail as he had repeatedly throughout the trial flouted the warnings issued to him by this court at the time of cancellation of his NBWs on earlier occasions. Considering his previous conduct and his previous involvement in other cases, this court is not inclined to exercise the discretion in his favour. Hence, the present bail application is hereby dismissed.

8. Needless to say nothing expressed herein shall have any bearing on the merits of the case.
9. Application is disposed off accordingly.
10. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/31.07.2024