

Court hearing through webex online meeting

State Vs Saddam

FIR No. 591/2016

PS: Seelampur

U/s 392/394/397/506/411/34 IPC r/w Section 25/27/54/59 Arms Act.

07.07.2020

Present: None for the applicant/accused.

Sh. Ashok Kumar, Ld. Addl. PP for the State.

The evidence recorded in the matter has been received through mail.

Submissions on the bail application have already been heard.

By way of present application, the applicant is seeking bail with the submissions that after framing of the charge material witnesses were examined and none of the material witness has supported the prosecution version even has not identified the case property and also has not supported the prosecution story. It is submitted that the applicant is in jail since 2016 and no purpose shall be served to keep him in jail. It is submitted that applicant is the permanent resident of Delhi and there are no chances of his absconding or tampering with the prosecution witnesses. It is submitted that applicant is ready to furnish the reliable surety to the entire satisfaction of the Court and is ready to abide by all terms and conditions imposed upon him.

On the other hand application is opposed with the submissions that the witnesses examined have supported the version of the prosecution. It is submitted that the trial is not complete and the appreciation of the witnesses examined cannot be done meticulously at this stage. It is

submitted that applicant is involved in other offences and there is every possibility that he will commit a crime again, if released on bail.

The complainant has appeared in the witness box as PW1. The friend of the complainant who was accompanying him at the time of incident has appeared in the witness box as PW2. It is settled law that while considering the application for grant of bail, a mini trial cannot be held and that if there is, sufficient prima facie material, that would be suffice to deny the bail. After going through the testimony of these two witnesses I am of view that the witnesses cannot be disbelieved at the stage and their testimony will be appreciated in depth after completion of the trial. The testimony of the complainant indicates that he had been approached due to which he is taking different stand qua the identification of the accused on other day of his examination then to the statement made by him on earlier day of his examination. Considering the facts of the case, to ensure the fair trial, I am of view that the applicant is not entitled for grant of bail. Application is dismissed accordingly.

Copy of the order be sent to the parties through mail.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ/NE/
KKD/Delhi/07.07.2020