

Hearing through Video Conferencing by Cisco Webex Meeting App

Waseem Vs. State

In re: -

FIR No. 591/2016

PS: Seelampur

U/s: 392/394/397/506/411/34 IPC

06-11-2020

Present: Sh. Shekhar Tyagi, Ld. Counsel for the applicant.
Sh. Ashok Kumar, Ld. Add. PP for the State.

Reply to the bail application is received through mail.
Submissions on the application are heard.

It is submitted on behalf of applicant that he was arrested in the case on 15/02/2017 and since then he is in judicial custody. It is submitted that the trial may delay in its conclusion due to Covid-19 and there is no fruitful purpose by keeping the applicant behind the bars. It is submitted that all the public witnesses/material witnesses deposed their statement before the court and remaining witnesses are police official, there is no chance of tempering the witnesses. It is submitted that applicant is sole bread earner of his family and has liability of his entire family. It is submitted that there are material contradictions in statement of witnesses recorded before the court and with the statement of witnesses recorded at the time of investigation. It is submitted that applicant is on bail in other cases except present one. It is submitted that applicant undertakes that he shall easily available at the time of trial and is ready to furnish the reliable surety as per satisfaction of the court. The applicant is relying upon case law AIR 1931 All 356, (1978) 4 SCC 47,

(1977) 4 SCC 308 and (2018) 11 SCC 1 in support of the bail application.

The bail application is opposed by the learned APP with the submissions that earlier bail application of the applicant was dismissed by a detailed order. It is submitted that the witnesses have deposed during the trial in support of the charge against the applicant. It is submitted that the robbed mobile phone was recovered at the instance of applicant. It is submitted that there is every possibility that applicant will evade the trial if he is admitted to bail. It is submitted that applicant is a hardcore criminal and does not deserve any leniency. It is submitted that the case laws relied upon by the applicant are dealing with the general principle of bail and considering the evidence against the applicant the same are not helpful to him.

It is well settled principle of law that bail is the rule and jail is an exception and that an accused cannot be kept in custody as a pre-trial punishment. It is also laid down by the Hon'ble courts in number of cases that court has to consider the facts of each and every case on its merit while dealing with bail application of an accused. Considering the facts of the present case and the evidence led by the prosecution the earlier bail application of the applicant was dismissed by this court on 19/03/2020. No new ground is brought on file raising suspicion on the case of the prosecution, as such application is dismissed. Copy of the order be sent to the parties.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East, Delhi 06-11-2020