

IA/38/2022 in SC 80/2020
State Vs. Suraj Bhatia
FIR No. 526/2019
PS Jahangir Puri
U/s 302/201/34 IPC & 25/27 Arms Act

13.10.2022

This is an application under Section 439 Cr.P.C for grant of interim bail moved on behalf of the applicant/accused Suraj Bhatia.

Present: Mr. Harvinder Nar, Ld. Additional PP for the State.

Mr. Mehrab, Ld. Counsel for the applicant/accused authorized by Mr. Iqbal Khan, Advocate as is submitted by him since he has been arguing earlier bail applications of the applicant.

1. Briefly stated, the present FIR had been registered under Section 302/34 IPC, PS Jahangir Puri, on the statement of Raja Sonkar that accused Suraj and his associates murdered his brother namely Jwala Singh @ Pappu by shooting him with pistol.
2. Ld. Counsel for applicant/accused is again seeking interim bail for a period of 2 months on the ground that wife of the applicant/accused is suffering from some brain stroke with hypertension and epilepsy.
3. On the other hand, Ld. Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/accused are very serious in nature and that he has played an active role in the commission of the crime.
4. Heard. Record perused.

5. The applicant has been seeking interim bails on the ground of illness of his wife but has failed to appear in the court or surrender before the concerned Jail Authority in time. Lastly vide orders dated 07.10.2022 the applicant/accused had been granted further interim bail till 10.10.2022 but the applicant/accused has not surrendered in the court neither he surrendered before the Jail Authority after expiry his interim bail on 10.10.2022 and has straight away filed a fresh interim bail application again on the grounds of illness of his wife. The allegations against the accused are of grave nature. The alleged weapon of offence i.e. the pistol was also recovered from his possession and he is the main accused in the present case. Not only this it was earlier brought to the knowledge of the court by the IO that the accused is a habitual offender of the area and involved in multiple case but taking a lenient and humanitarian view owing to the ill health of his wife he had been granted interim bail but it appears that the accused has flouted the terms and conditions and misused the liberty granted to him.

6. Seeing the totality of facts and circumstances of the case and the conduct of the accused no further ground for leniency is made out. The present application stands disposed off being **dismissed**. *The accused be immediately taken into custody, as per rules and necessary intimation be sent to the concerned SHO/DCP for taking appropriate action and file the report by the next date of hearing.*

7. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

8. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned SHO/DCP, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(Shefali Sharma)
ASJ-02/North District
Rohini Courts/Delhi/13.10.2022