

IA/9/20 in SC No. 80/20
State Vs. Suraj Bhatia Etc.
(Bail Application of accused Prashant @ Lucky)
FIR No. 526/19
PS Jahangirpuri
U/s. 302/323/34 IPC & 25/27 Arms Act

05.12.2020

Due to spreading of Corona Virus (COVID-19), special measures taken by the government to prevent it by ordering a nationwide lockdown, the hearing of the present bail application has been conducted through video conferencing using Cisco Webex Meeting App after taking consent of both the parties.

Present : Sh. Harvinder Nar, Ld Addl P.P for the state.
Sh. Pradeep Rana, Ld. counsel for the applicant/accused **Prashant @ Lucky**.
IO Inspector Rajender Dabas through video conferencing.

This is an application for bail moved on behalf of the applicant/accused **Prashant @ Lucky**.

It is submitted by Ld. Counsel for the applicant / accused that the applicant / accused is innocent and he has been falsely implicated in the present case. It is further submitted that applicant was arrested on 25.10.2019 and two days' PC remand was taken but no recovery could be effected from him or at his instance and further nothing is required to be recovered from him, charge-sheet has been filed and no useful purpose would be served by keeping the accused behind the bars and prayer is made for grant of bail.

On the other hand, Ld. Addl. PP for the State vehemently opposed the bail application and argued that the allegations against the applicant / accused are serious in nature as he played an active role in committing the murder of Jwala Singh and if he is released on bail, he may threaten the witnesses, as both are residents of same area. Hence, prayer is made for dismissal of the bail application.

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I have heard Ld. Counsel for the applicant / accused, Ld. Addl. PP for the State and perused the record carefully.

Brief facts of the case are that the present FIR u/s 302/34 IPC has been registered on the complaint of Raja Sonkar who alleged that on 24.10.2019 at about 2:15 am, he was coming back to his house from his shop after taking dinner at Azadpur Mandi and upon reaching in front of C Block, Street No. 1700, he saw that five persons namely Suraj Bhatia, Govinda Bhatia, Harish, Arun and Chavva were beating his friend Jitender and they were dragging him towards Gali No. 1700. Govinda was armed with baseball bat. The complainant tried to rescue Jitender but could not succeed and in order to save him, he rushed back to his street bearing no. 1500 and shouted for help and after hearing the shouting, few people gathered there. They all tried to save Jitender and all the above-mentioned five persons fled away from there after firing in the air. After 5-7 minutes, all the above-mentioned five boys along with Manoj, Gomsu and Lucky and few other boys came in the Gali and they started firing and they all in fear went inside their houses. After hearing the noise, Jwala Singh son of Complainant came out of his house and tried to pacify the accused persons and then accused Manoj instigated to shoot Jwala Singh and Suraj Bhatia fired a gunshot on the head of Jwala and all the accused persons fled away from there after firing in the air. Jwala Singh was taken to BJRM Hospital, where concerned doctor declared him brought dead.

Charge-sheet u/s 302/323/34 IPC & 25/27 Arms Act in the present case has been filed against all the above-mentioned accused persons. Allegations against the applicant Prashant @ Lucky are serious in nature as he played an active role in the commission of crime. As per the report furnished by the prosecution, applicant is involved in four more criminal cases apart from the present case, in total five criminal cases are pending against the applicant. In the present case, there are 07 accused(s)

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and all the accused persons have criminal history and if the applicant is released on bail, he may threaten the complainant and other witnesses who are the resident of same area where the applicant / accused is residing. Where the offence is of serious nature, the court has to decide the question of grant of bail in the light of such considerations as the nature and seriousness of offence, character of the evidence, circumstances which are peculiar to the accused, a reasonable possibility of the presence of the accused not being secured at the time of trial and the reasonable apprehension of witnesses being tampered with, the larger interest of the public or such other similar considerations.

Therefore, considering the nature and gravity of offence, role attributed to the applicant and overall facts and circumstances, no ground for bail is made out qua him at this stage. Consequently, the application of accused Prashant @ Lucky for grant of bail stands dismissed.

**(Rakesh Kumar-III)
Addl. Sessions Judge-02 / (North)
Rohini Courts / Delhi / 05.12.20**