

FIR No. 485/2018
PS-Bawana
Harsh @ Deepak @ Joni
U/s-307/34 IPC
& u/s 25/27 Arms Act

08/07/2020

This application for grant of interim bail u/s 439 Cr.P.C. moved on behalf of applicant/accused Harsh @ Deepak @ Joni is placed before me in terms of order No. Judl./Bail/North/RC/2020/24637-661 dated 30/06/2020 of Id. District & Sessions Judge, North, Rohini Courts, Delhi. The bail application is taken-up through video conferencing on CISCO WEBEX Meeting APP. with the consent of the parties.

Present. Sh. Karan Aggarwal, Id. Counsel for the applicant/accused.
Sh. Sanjay Jindal, Id. Substitute Addl. PP for the State.

Reply to the bail application has already been received from the P.S. Copy of the same has been sent to Id. counsel for the applicant at his email ID karanaggarwal849@gmail.com through email ID reader.asj04north@gmail.com.

It is submitted by Id. Counsel for the applicant/accused that the applicant/accused is in J.C. since 31/01/2019 and he is only aged 23 years. He has further submitted that it is the month of sowing wheat and there is no one except father of the applicant/accused at home to do the said job. He has further submitted that due to COVID-19 pandemic, there is non-availability of labour and it is very essential for the survival of the family to keep the farming continue. It is further submitted that the documents related to the ownership of agricultural land in the name of father of the applicant/accused have been annexed with the bail application. Id. Counsel has further submitted that charge-sheet in the matter has already been filed, hence there is no requirement of the applicant/accused to be kept in jail. He has further submitted that there is one sister of the applicant/accused who is pregnant and is presently living with the parents due to some family dispute in her matrimonial home, therefore, parents are overburdened and presence of the applicant/accused is very much necessary at home. Id. Counsel for the applicant/accused has further submitted that

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though there are previous involvements of the applicant/accused, but he is on regular bail in the case pertaining to PS Alipur and in case FIR No. 332/14 of PS Bawana, u/s 25/54/59 Arms Act, he has been discharged. He has further submitted that a lenient view may be taken against the applicant/accused.

Per contra, it is argued by Id. substitute Addl. PP for the State that farming is a continuous process and has stated that this is not a sufficient ground to grant bail to the applicant/accused. He has further submitted that there are previous involvements of the applicant/accused in heinous offences. He has further submitted that with regard to the taking care of pregnant sister, there is no requirement of the applicant/accused to be released on bail as there are parents to take care of his sister.

Heard. Keeping in view that the parents of the applicant are at home and they can manage regarding agricultural requirements as there is no lock-down any more, also in view of the fact that admittedly there is no need of the applicant for taking care of the sister as there are his parents to take care of her and also in view of the fact that there is previous involvement of the applicant/accused in various heinous offences, the present bail application is hereby dismissed.

Let copy of this order be sent on the whatsapp/email of Id. Counsel for the applicant/accused.

Bail application file be consigned to Record Room.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi: 08/07/2020(A)