

SC No. 51895/16
FIR No. 987/05
P.S. Rohini
U/s 302/307 IPC
State Vs. Bhim Singh

05.02.2018

Present : Sh. Anand Bhushan Asthana, Ld. Special PP for the State.
Mr. P.K. Ranga, Additional Public Prosecutor for the State.
Accused on bail with Ld. Counsels Sh. Ranvir Singh, Sh. Aseem
Bhardwaj, Sh. Amit Mittal and Sh. Kamal Kishore Vijay.
IO/ACP Rajbir Malik in person.
SHO Inspector Satbir Singh, PS South Rohini in person.
Sh. Lokesh Chandra, Dy. Secretary (Home), Govt. of NCT of Delhi in
person.

Matter was fixed for filing replies and for hearing arguments on two applications filed by Ld. Spl. PP on the last date of hearing and also for apprising to the court about the arrangement of the funds

The Deputy Secretary (Home), Govt. of NCT of Delhi has come present in the court today. He has apprised to the court that a meeting of Secretary (Home) is still going on with the Secretary (Finance) regarding the same matter and hopefully, the same would be finalized and he will apprise to the court about the same by tomorrow i.e. 06.02.2018. The Secretary (Home), Govt of NCT of Delhi, is requested to expedite the process.

The accused has also come present alongwith his counsel and he has filed the photocopies of two documents and submitted that he had applied for the passport in TATKAL scheme on 03.02.2018 but his application was not accepted, so he has to apply in regular scheme and the next date is given as 08.02.2018 in Regional Passport Office, Shalimar Bagh, Delhi. Counsel for the accused has submitted that accused is making efforts so that, no delay may be caused in the

Contd.....

process. Separate statement of accused has also been recorded wherein he had stated that he had gone to the Regional Passport Office, Shalimar Bagh, Delhi. But, he was not allowed to enter in the said office by the guard deputed on the gate despite of showing the document Mark X. Mark X reveals that at the time of rejection of the application, accused was directed to consult with the Assistant Passport Officer but today, the accused had told to the court that he was not allowed to enter in the said office.

SHO Inspector Satbir Singh PS South Rohini has submitted that he will pursue the matter for issuance of the passport to this accused in expeditious manner, in case the accused will cooperate with him. Accused submits that he will cooperate with the SHO concerned. Copies of the application for passport of accused and for rejection of his application for TATKAL passport have been supplied to the Ld. APP for State. So, SHO is requested to do the needful for expeditious issuance of the passport.

Since in the case in hand, the day before yesterday, Spl. PP has filed two applications, first one for extension of the members with commission as earlier this court had held that Ms Ravinder Kaur, Retd. Ld. District & Sessions Judge, Delhi as Commission, Sh. Anand Bhushan Asthana, Ld. Spl PP, Sh. Aseem Bhardwaj as Defence Counsel and one official from the court namely Sh. Ram Janma Prasad, Sr. PA. to Ld. District & Sessions Judge, North West District, Rohini Courts, Delhi (alongwith the original case file as he is well versed with typing and shorthand), would go with the commission but the day before yesterday, this application was moved by Spl. PP mentioning therein that the presence of the IO is required to assist the Spl PP and for the purpose of identification of eye witness Saranjeet Singh and as per provisions of Section 273 Cr. PC, the evidence of prosecution witness Sarabjeet Singh who is residing away in Switzerland, is required to be recorded in the presence of this accused. Simultaneously, Ld. Spl PP has filed another application for cancellation of bail of accused, vide which the prosecution has sought

Contd.....

to cancel the bail of this accused only for the period when his presence will be required in Switzerland and since the accused is on bail, that too in a serious offence of murder and since Ld. Spl. PP for State has submitted that in case, this accused is sent in Switzerland without taking him into custody of the police, he may escape in Switzerland and since in the case in hand, witness Saranjeet Singh who is residing away in Switzerland, was apprehending the danger to his life, so he did not come in India and further submitted that since this accused is alleged to have committed murder, so, he may commit an illegal act in Switzerland, if he is not taken into custody and two police personnels alongwith the IO are also required to be sent for the said purpose. So, Spl. PP has prayed for cancellation of bail of this accused for the said period.

On the other hand, Ld. Counsel for accused has submitted that since accused was earlier granted interim bail by the Ld. Predecessor of this court and during the period of interim bail, this accused has not misused his liberty in any manner and submitted that on 17.01.2015, interim bail of this accused was made regular by Sh. Virender Kumar Goyal, Ld. ASJ, Ld. Predecessor of this court and held that the bail of this accused cannot be cancelled without any cogent ground and this is the question of liberty of this accused and submitted that liberty of this accused should not be taken without any reasonable cause. Ld. Defence Counsel has relied upon the judgment passed by the Hon'ble High Court of Delhi in case Ankit Sharma Vs. State of NCT of Delhi, 2014 (5) LRC 275 (Delhi) and prayed for dismissal of this application filed by Ld. Spl. PP for State, vide which, he has sought cancellation of bail of this accused.

At the same time, Ld. Counsel for accused has submitted that he has no objection if another application filed by Ld. Spl. PP moved for extension of members with the commission is allowed.

Contd.....

This court has sought to record the statement of accused regarding his no objection but the accused has refused to give any such statement regarding the said application.

Since, the Id Spl PP has filed an application, vide which he has sought the cancellation of bail of this accused Bhim Singh, only for the period during which, his presence is required in Switzerland, as he has also filed the application, vide which the names of four more persons i.e. the accused Bhim Singh, SI Virender, Ct. Mandeep and IO ACP Rajbir Singh, are also sought to be added for going at Switzerland, for the purpose of recording of the testimony of complainant / eye witness Saranjeet Singh and since the Spl PP has submitted that the presence of the IO is required to assist the prosecutor and for the purpose of identification of eye witness Saranjeet Singh and as per the mandate of Section 273 of Cr. PC, the witness Saranjeet Singh is required to be examined by the Commission in the presence of the accused, so his presence is also required and for the same purpose and since, this court has also asked to the accused as to whether he desires to witness the recording of testimony of Saranjeet Singh in Switzerland to which, he has replied in affirmative. The charge against this accused were framed under section 302/307 of IPC. So, in the given circumstances, in case, this accused is sent to the Switzerland, without taking him into custody, then he may flee from justice or abscond in Switzerland and it may be difficult to procure his presence in India, so, this accused is required to be sent at Switzerland after taking him into custody. The judgement relied upon by the Ld. Defence Counsel is not applicable to the case in hand in view of the dissimilarities of the facts and circumstances of the present case, so, this judgment is of no help to the accused. Accordingly, both the applications filed by the Special PP for the State are allowed. Ld. Spl PP for State has submitted that this accused may be directed to surrender in this court on 09.02.2018. So, accused is directed to surrender in the court on dated 09.02.2018 at 10:00 AM, so

Contd.....

that he may be taken into custody by the team consisted of IO ACP Rajbir Malik, SI Virender Dahiya and Constable Mandeep at the time of taking him at Switzerland.

IO ACP Rajbir Malik, accused Bhim Singh, SI Virender Dahiya, no D-5321 PIS No. 16140011 from police station South Rohini S/o Sh. Suresh Kumar Dahiya R/o B-3/98, IInd Floor, Sector-16, Rohini, Delhi, aged about 29 years and Constable Mandeep, no. 2221/RD PIS No. 28081967 from PS South Rohini, S/o Sh Shish Ram, R/o P-148, Krishan Vihar, Delhi-86, Aged 33 years, are also allowed to go at Switzerland for the purpose of recording of the statement of prosecution witness Saranjeet Singh, and since this accused is alleged to have committed heinous crime of murder and attempt to murder punishable under section 302 / 307 of IPC, so he is allowed to be taken at Switzerland in custody of police, so that he may not escape and IO ACP, SI Virender Dahiya and Constable Mandeep are directed to ensure that this accused is brought back to India, after recording of the testimony of Saranjeet Singh who is residing away at Switzerland.

The Secretary, Ministry of External Affairs is requested to apprise to the High Commission of India in Switzerland and to request to the Federal Department of Justice & Police of Switzerland to make arrangement for keeping this accused in custody of Delhi Police, during his stay at Switzerland and to ensure the safe return of this accused in India in custody, so that, no problem may come to the abovesaid officers of Delhi Police in keeping this accused in foreign country and in view of the further development in the present case, The Secretary, Ministry of External Affairs, Govt. of India, to facilitate all these eight persons in getting visa to travel in Switzerland.

Attested copy of this order be sent to the Secretary, Ministry of External Affairs.

To come up on 06.02.2018 at 2:00 PM for apprising to the court about the arrangement of funds and also for further proceedings.

(Pawan Kumar Matto)
Special Judge (NDPS)/
Additional Sessions Judge (N-W)
Rohini Courts, Delhi. 05.02.2018