

SC No. 51895/16
FIR No. 987/2005
U/S 302/307 of IPC
PS : Rohini
State Vs. Bhim Singh

09.02.2018 (12:05 PM)

Present : Mr. A. B. Asthana, Ld. Special PP for the State.

Mr. P.K.Ranga, Ld. Additional Public Prosecutor for the State

Accused on bail with Ld. Counsels Sh. Aseem Bhardwaj, Sh. Kamal & Sh. Ayush Gupta.

IO/ACP Rajbir Malik is present.

Inspector Satvir Singh SHO PS South Rohini is present.

SI Virender Dahiya is present

Ct. Mandeep is present.

Sh. Ankur Gupta, Ld. Public Prosecutor (OSD) Home is also present.

Ms. Purnima Gupta, Ld. Chief Prosecutor North West is also present.

The matter is fixed for today at 12:00 Noon for apprising to the court regarding the approval of funds for going to Switzerland for the purpose of recording of the testimony of the witness Saranjeet Singh.

Today on calling the case, Sh. Ankur Gupta, Ld. Public Prosecutor (OSD) Home & Ld. Chief Prosecutor, North-West have come present and Ld. Chief Prosecutor, North-West has filed an application regarding the approval of proposal of expenses for travel etc. in the present case and apprised to the court that funds have not been arranged and certain queries have been raised by the office of Lieutenant Governor, Delhi. She has further submitted that she has received a letter from the office of Additional Secretary (Home), Government of

NCT of Delhi and in the light thereof, Ld. Chief Prosecutor, North-West has filed the present application and submitted that in order to satisfied the said queries raised in the letter received by her, atleast two weeks time may be given to take final decision in the present matter.

Ld. Special PP for the State has also stated that points raised in the said letter written to Id. Chief Prosecutor North-West has to be discussed and Ld. Chief Prosecutor, North-West has submitted that **passport to this accused Bhim Singh has been issued, so, the same may be taken on record.** This court has asked to the accused as to whether, he has brought his passport with him today, he has told that he has brought the passport with him. **Accordingly, Passport of accused Bhim Singh is taken on record** and same shall be given at the appropriate time. Ld. Special PP for the State has submitted that he had filed an application for cancellation of bail of this accused for the period for which, his presence was required in Switzerland and the same was allowed by this Court vide order dated 05.02.2018. In the given circumstances, this Court had ordered this accused to surrender in the court on dated 09.02.2018 at 10:00 AM, but now, in the given circumstances, the witness Saranjeet Singh, who is residing away in Switzerland cannot be examined on the date already fixed i.e. 15.02.2018. So, **the accused may not be taken into custody.** So, in the changed circumstances and in view of such submissions made by the Ld. Special PP for the State, the accused need not to surrender in this Court and he is not taken into custody and such directions will be given afresh by this court at the appropriate time.

So, in the given circumstances, it is clear that all the eight persons cannot travel to Switzerland for recording the testimony of witness Saranjeet Singh, nor the eye witness, namely, Saranjeet Singh can be examined through Commission, on the date already fixed i.e. 15.02.2018 by the Swiss Authority.

No doubt that the State should have taken steps for examination of the

said witness, who is residing away in Switzerland in time. But, the officials of the State Government failed. The Ministry of Home Affairs & Ministry of External Affairs have made great efforts and in view of the same, 15.02.2018 was fixed by the Swiss Authorities for examination of the said witness in Switzerland through Commission. But, despite of the fact that this is an old case, which was registered way back in the year 2005, the approach of the officials of State remained lackadaisical in making efforts for examination of the witness in time. If the State was not satisfied with any of the order dated 14.03.2017 of Predecessor of this Court vide which, the testimony of the complainant / eye witness, (who is residing away in Switzerland) through Commission, it could challenge before the Higher Court, but, the State did not choose to challenge the said order and if the State was not satisfied with any of order of this Court, it could challenge it before the Higher Court. But, it did not challenge and now when the date was given by the Swiss Authorities, the time is sought to deliberate on all the previous proceedings of the Court. Be that as it may be. Since, 15 days time is sought by the Ld. Chief Prosecutor, North-West, so, the same is granted.

Since the Government of Switzerland would have made the arrangements regarding the examination of the witness Saranjeet Singh in the said country, so, **attested copies of this Order be sent to Secretaries, Ministry of External Affairs, Government of India today itself through IO**, so that, Ministry of External Affairs & Ministry of Home Affairs, Government of India, New Delhi for apprising them about the above mentioned changed circumstances, that witness who is residing away in Switzerland cannot be examined on dated 15.02.2018 through commission and request will be made by this court for refixing the date at appropriate time. Intimation to Mrs. Ravinder Kaur be also sent.

Ld. Chief Prosecutor North-West, Ld. Special PP for the State & Ld. Counsels for the accused have sought adjournment for 07.03.2018.

Accordingly, the matter is ordered to be listed on **07.03.2018** for apprising to the court about the same.

(Pawan Kumar Matto)
Special Judge (NDPS),
Additional Sessions Judge, N-W,
Rohini Courts, Delhi.09.02.2018