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SC 7A/12/2012

7396/2016

DRI Vs. PARAMJIT SINGH GULATI ANR.

31.05.2018

Present: Ms. Mala Sharma, Ld. SPP for the DRI.

Accused Paramjit Singh Gulati produced from JC with Sh. Saurabh Verma Ld. Proxy counsel for Sh. P. K. Dubey.

Accused Atul Aggarwal produced from JC with Sh. Ajay Kumar Ld. Proxy counsel for Sh. K. Singhal Ld. Counsel for accused.

PW-Sh. Rajesh Kumar Ohlan is present. He is partly examined-in-chief as PW-18. His further examination-in-chief is deferred on the request of Ld. SPP for DRI as her application for filing of additional document is pending.

PW-Sh. Manish Kumar Pintoo is present. He requests for adjournment as he is not feeling well. He is discharged unexamined today. He has requested that he may be summoned again for a Friday and Saturday.

Reply filed by the accused Atul Kumar Aggarwal to the applications of DRI u/s 311 Cr. PC and for filing of additional documents. Copy supplied. **Let both applications be listed on 04.06.2018.**

In the application u/s 311 Cr. PC, DRI has mentioned 41 additional witnesses. The application will be considered on merit and decided. However, DRI should also conduct the exercise to verify how many witnesses cited in the additional list are available and can be served. This exercise will

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save time if ultimately DRI is permitted to examine those witnesses.

**Bail application of accused Paramjit Singh Gulati be put up
today at 04:00pm for order.**

Matter be listed on the dates already fixed **I.e. 04.06.2018 to
07.06.2018 for prosecution evidence and for pending applications.**

(Rajesh Kumar Singh)
Special Judge (NDPS Act)
South District, Saket/31.05.2018_{AR}

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At 04:00pm

Present: None for DRI.

Smt. Gurmeet Kaur wife of accused.

Vide separate order, dictated and announced in the open Court,
bail application of accused Paramjit Singh Gulati is disposed of.

(Rajesh Kumar Singh)
Special Judge (NDPS Act)
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**Order on the bail application dated 14.03.2018 of
accused Paramjit Singh Gulati**

1. By this order, I shall dispose of the bail application of the accused Paramjit Singh Gulati dated 14.03.2018. He had filed a regular bail application no. 1240/16 before Hon'ble Delhi High Court. The application was withdrawn with submission that the accused would file a regular bail application before this Court at appropriate stage. The bail application was accordingly disposed of by Hon'ble High Court vide order dated 27.04.2017.

2. Ld. Counsel for the accused argued that there are several deficiencies in the case of prosecution which have also emerged in the evidence. Written synopsis of the relevant portions of the evidence was filed on 14.05.2018. Though the accused has pointed out the alleged deficiencies in the evidence, the application is primarily based on medical ground and the period of custody of the accused.

3. Report was called regarding medical condition of the accused. A detailed report dated 09.05.2018 has been submitted by the Medical Officer, Incharge, Central Jail Hospital, Tihar with copies of medical prescriptions issued by DDU hospital and AIIMS. The report contains detailed medical issues reported by the accused for which he is being treated. For the sake of

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brevity, I am not mentioning the entire medical history of the accused in the present order as the same can be seen from the report. The report states that on 29.07.2017, the accused was advised for work up for gall bladder surgery from DDU Hospital and on 28.08.2017 at AIIMS, Surgery Department, he was planned for lap./open cholecystectomy and advised clearance from medicine, endocrinology, urology Departments for gall bladder surgery. The report does not say why the surgeries have yet not been performed.

4. It has been observed that there are issues regarding inter-departmental coordination when an UTP is sent to AIIMS for treatment and he requires clearance from different departments before the surgery or procedure is done. Accused stated that he is facing this problem and AIIMS is giving date of next year for surgery. He prayed that he be released on bail so that he can get himself treated from a private hospital.

5. Ld. SPP for DRI has filed reply to the bail application. The bail application is opposed by DRI. The facts on merit of the case which are against the accused have been mentioned in the reply. Apprehension is expressed that the accused may abscond if released on bail. It is also pointed out that regular bail application of the accused Atul Aggarwal has been dismissed by Hon'ble High Court. Ld. SPP has also assured that in case the Court allows the applications filed by DRI for additional documents

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and witnesses, she will expedite the evidence and try to conclude the same by November 2018.

6. At this stage, it will not be proper to discuss the merit of the case and to examine the effect of the alleged deficiencies/discrepancies pointed out by Ld. Counsel for the accused his written submissions as the applications of DRI for filing of additional documents and for examination of additional witnesses are yet to be decided. In the matter of ***Dinesh Kumar Mittal vs Govt. of NCT of Delhi 2012 SCC On Line Del. 546, Hon'ble Delhi High Court*** has taken the view that it is not proper to examine the evidence for deciding bail application. Therefore, I will not treat the application as an application for regular bail on merit.

7. The medical condition of the accused is verified by Government Hospitals. He requires surgery. He has earlier been admitted to interim bail on several occasions. Considering the medical need, he can be granted interim bail. Accordingly, **the accused Paramjit Singh Gulati is admitted to interim bail on medical ground initially upto 06.06.2018 on furnishing personal bond of Rs. One lac with two sureties of like amount each. He shall surrender his passport if any to the Court and shall not leave Delhi and country without permission of the Court. DRI shall inform FRRO to**

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open LOC for the accused. He shall get himself examined at a hospital of his choice and shall submit the medical documents including the proposed course of treatment before this Court on 05.06.2018. The bail application is disposed of accordingly. If extension of the interim bail is required, fresh application will have to be moved by the accused.

8. Copy of this order be sent to Superintendent, Central Jail, Tihar for information. Copy of this order be given dasti to Ld. Counsel for accused and to Ld. SPP for DRI.

(Rajesh Kumar Singh)
Special Judge (NDPS Act)
South District, Saket/31.05.2018_{AR}