State Vs. Harpreet etc (applicant Satpal Singh Sodhi)

FIR No: 143/13

Under Section: 364A/120B/342/328/323/34 IPC

PS: Rajender Nagar

02.07.2020

Through video conferencing

Present: Sh. Alok Saxena, Ld. APP for the State.
Sh. Diwakar Chaudhary, Ld. Legal Aid Counsel for applicant/accused

Vide this order, I shall decide the regular bail application of accused Satpal Singh Sodhi.

Ld. LAC for accused has argued for grant of bail on the ground that accused is aged 57 years, suffering from various diseases like blood pressure, diabetes, stone in kidney and is therefore at higher risk of catching corona in jail. It is argued that accused is in custody since last 07 years. It is further argued that accused has been falsely implicated in the present case and he has nothing to do with the alleged offences. Ld. LAC has further submitted that the trial in the instant case has already been concluded and the matter is at the stage of final arguments and therefore, there is no likelihood of accused threatening the witnesses or tampering with the evidence. On the strength of these arguments, Ld. LAC seeks regular bail for accused.

Per contra, Ld. APP for the State has vehemently opposed the bail application on the ground that accused is facing trial for commission of very serious offences.

I have heard rival contentions and perused the record.

It is relevant to mention here that this is the third application for bail, being filed after rejection of two previous applications by this Court. There is no material change in circumstances since dismissal of the earlier applications for bail except continued detention of accused and trial having been concluded. The allegations against applicant is for committing grave offence of kidnapping for ransom and of causing hurt by administering stupefying substance to an eleven year old victim. The offence under Section 364 A IPC is punishable with imprisonment upto death.

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In the matter of **Masroor Vs State of U.P and Anbother 2009(6) SCALE 358**, the Hon'ble Supreme Court observed that:

> *" There is no denying the fact that the liberty of an individual is precious and is to be zealously protected by the Courts. Nonetheless, such protection cannot be absolute in every situation. The valuable right of liberty of an individual and the interest of the society in general has to be balanced. Liberty of a person accused of an offence would depend upon the exigencies of the case. It is possible that in a given situation, the collective interest of the community may outweigh the right of personal liberty of the individual concerned."*

The applicant has not placed on record any medical document regarding his illness. Be that as it may, the applicant cannot be released on bail merely on the grounds of, he being suffering from general lifestyle diseases like blood pressure, diabetes and stone in kidney. Therefore, in the facts and circumstances of the present case, considering the gravity of allegations and role of accused, I am not inclined to grant bail to accused **Satpal Singh Sodhi.** Accordingly, **his bail application is dismissed.** However, I may hasten to add that in case the applicant is suffering from said diseases as stated by him, the concerned jail superintended shall provide adequate medical care to applicant and shall further ensure his social distancing so as to avoid any infection in jail.

Copy of the order be sent to concerned jail superintendent for information. Another copy of order be given dasti, if requested by defence counsel.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
02.07.2020

State Vs. Ashish Mittal @ Rahul Mittal

FIR No: 140/18

Under Section: 307/34 IPC

PS: Sarai Rohilla

02.07.2020

Through video conferencing

This is regular bail application of applicant Ashish Mittal @ Rahul Mittal.

Present: Sh. Alok Saxena, Ld. APP for the State.
Sh. Prashant Yadav, Ld. Counsel for applicant/accused.

Ld. Counsel for accused has sent 'NOC' of counsel who had filed interim bail application for applicant. It is further submitted by counsel that the vakalatnama previously filed by him (on behalf of accused) may be considered considering the current pandemic. Accepted accordingly.

Remaining arguments on bail application heard. It has been vehemently argued by Ld. Counsel that role of applicant Ashish Mittal and co-accused Varun Sharma (who has been granted bail vide order dated 11.03.2020 by Hon'ble High Court of Delhi) is similar and therefore, accused deserves to be granted bail on the ground of parity. It is further submitted by Ld. Counsel that it was co-accused Rohit Mundra, who is main assailant in the instant case. It is further argued that the PW- Charanjeet Verma @ Chand has made material improvement in his testimony and therefore, in the facts and circumstances of the case, accused deserves to be granted bail.

Per contra, Ld. APP for the State has vehemently opposed the bail application on the ground that allegations against the accused are grave and serious and he may threaten the remaining two eye witnesses who are to be examined.

I have heard rival contentions and perused the relevant record sent to me electronically by concerned court official. Trial in the instant case is still going on and therefore, it would be premature to examine the sufficiency/probative value of the evidence

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this stage. Moreover, charges having been framed against the applicant, the accusation cannot be said to be groundless. A deep and critical analysis of evidence is not necessary at this stage.

In the case of ***Vaman Narain Ghiya v. State of Rajasthan (2009) 2 SCC 281,*** the Hon'ble Supreme Court observed as follows:

> *"While considering an application for bail, detailed discussion of the evidence and elaborate documentation of the merits is to be avoided. This requirement stems from the desirability that no party should have the impression that his case has been pre-judged. Existence of a prima facie case is only to be considered. Elaborate analysis or exhaustive exploration of the merits is not required."*

In the case of ***State of Orissa vs Mahimananda Mishra Crl. Appeal No. 1175/2018 decided on 18.09.2018,*** the Hon'ble Supreme Court, while setting aside an order of grant of bail, observed as follows :

> *"It is also well settled that the Court must not go deep into merits of the matter while considering an application for bail. All that needs to be established from the record is the existence of a prima facie case against the accused. Keeping in mind the aforementioned principles, we are of the view that the High Court was not justified in going into the evidence on record in such a depth which amounts to ascertaining the probability of the conviction of the accused."*

The applicant is a habitual offender as disclosed by former himself (in his interim bail application filed previously) as four other criminal case are pending against him. The antecedents of the applicant are not clean and therefore, the applicant may, if released, again resort to crime or threaten the remaining eye witnesses who are to be examined.

Accused cannot claim any parity with co-accused Varun Sharma as it has been specifically observed by Hon'ble High Court (at para 8 of order dated 11.03.2020) that ***"This court is of the prima facie view that the role attributed to the petitioner is different from the alleged role of Rohit Mundra or Ashish Mittal. Ashish Mittal had allegedly called Jassu on his phone searching for Charanjit Singh and Rohit Mundra is***

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[redacted]ed to inflicted the injuries."

In light of aforesaid reasons and considering the gravity of allegations, I do not fine any cogent ground to release the applicant Ashish Mittal @ Rahul Mittal on bail. The application for bail is accordingly dismissed.

Copy of this order be given dasti to Ld. Counsel for applicant. Copy of this order be sent to concerned jail superintendent for information.

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Date: 2020.07.02 13:24:22 +0530

(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
02.07.2020