

Bail Matter No. 301 of 2020

STATE Vs. KAPIL BAISLA

FIR No.11/2020

PS CRIME BRANCH

U/s 336 IPC & 25/27/54/59 Arms Act

06.03.2020

This is an application under section 439 Cr.P.C for grant of bail received from Bail and Filing Section moved on behalf of the accused.

Present: Sh. Wasi Ur Rahman, Ld. Addl. PP for the State is on leave today.

Sh. L.D. Singh, Ld. Substitute Additional PP for the State.

Sh. Narveer Dabas, Ld. Counsel for applicant / accused.

IO SI Lichhman is present and he has filed the reply. Same is perused.

Arguments heard.

It has been argued by the Ld. Counsel for accused that applicant has been arrested in the present case and he is in custody since 01.02.2020. It is further submitted that it is alleged that the complainant / ASI, Ct. Dinesh and Ct. Roshan Lal ran to catch the person and during this the guy fired one more bullet in air. Complainant / ASI with the help of his staff caught the guy and took pistol from his hand in their possession. It is further submitted that the name of the boy was revealed as Kapil Baisla during enquiry. And on the spot two empty shells of fired bullets and one silver metal piece was found which was taken in the possession. It is further submitted that it is alleged that keeping in view the law and order, accused Kapil was taken to police station by ASI and other staff in private car. It is further submitted that applicant as per case was arrested from the spot on 01.02.2020, later the investigation of the present case was transferred to Crime Branch who took police custody of applicant for 6 days and thereafter, the applicant was sent to JC on 08.02.2020 and he is in JC since then. It is further submitted that applicant is innocent and has been falsely and baselessly implicated in the present case. It is

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further submitted that there is a delay of around 6 hours in registration of FIR which is unexplained. It is further submitted that investigation qua the applicant / accused has already been completed and he is no more required for the purpose of investigation. It is further submitted that even after the PC to IO, nothing was recovered from the applicant / accused. It is further submitted that the trial of the matter will take time and no purpose will be served by keeping the applicant / accused in JC in the present case. It is further submitted that complainant and other witnesses in the present case are police officials and as such there are no apprehension of influencing them. It is further submitted that the applicant has deep roots in the society and there is no chance of his absconding from the law. It is further submitted that applicant has clean antecedents and he has never been involved in any other case in past. It is further submitted that applicant has the responsibility of his wife and minor child. It is further submitted that no purpose will be served by keeping the accused / applicant in JC.

Per contra, Ld. APP for State has strongly opposed the bail application by stating that the allegations against the accused are very serious in nature and the case is at its initial stage.

On considering the totality of facts and circumstances, the accused Kapil Baisla is admitted to bail on furnishing bail bond in a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of Ld. MM/ Link MM/Duty MM.

Application stands disposed of.

Copy of the order be given dasti.

(GULSHAN KUMAR)
ASJ-03/SOUTH EAST,
SAKET COURT/06.03.2020