

IN THE COURT OF SH. AMITABH RAWAT, ADDITIONAL SESSIONS
JUDGE-03, SHAHDARA DISTRICT, KARKARDOOMA COURT, DELHI

Bail Application no. 2114-2020

FIR No.61/20

PS-Jyoti Nagar

U/S 147/148/149/188/325/307 IPC & Section 25/27 Arms Act

State Vs. Gurmeet Singh @ Sonu

19.11.2020

ORDER

1. Vide this order, I shall dispose off the second bail application under Section 439 Cr.P.C moved on behalf of applicant/ accused Gurmeet Singh @ Sonu.

2. Arguments were heard at length on behalf of the accused by Sh. Sudhir Kumar Sharma and on behalf of the prosecution by Sh. Rajeev Krishan Sharma, Ld. Special Public Prosecutor.

3. I have perused the record including charge-sheet.

4. Ld. Counsel for the accused had submitted that the charge-sheet has been filed and custodial interrogation of accused is no more required. Bail application of accused was earlier dismissed by the court of Sh. Fahaduddin, Ld. MM on 12.10.2020.

It was further submitted that accused has been falsely implicated in

other four fabricated cases by the police. In fact, the accused was pulling his rickshaw and he was not able to walk without supporting stick. At the time of incident, he was pulling his rickshaw with a passenger.

It was further submitted that the mother of the accused namely Bhajan Kaur, aged about 55 years, is facing many eye diseases and is not able to see with her naked eyes and now, from 01.08.2020, she was suffering from heart problem. She has only one son i.e. accused Gurmeet Singh @ Sonu to earn their livelihood and life support medicine.

It was further submitted that the name of the accused is not mentioned in the FIR and there is no public witness against the accused person. The trial will take a long time.

It was prayed that bail may be granted.

5. Ld. Prosecutor had vehemently opposed the bail application of accused.

As per reply of IO, on 26.02.2020 an information regarding MLC was received from LNJP hospital vide DD no. 47 A regarding one person namely Rizwan S/o Jahid aged-22 years R/o H.No. 194, gali no.6, Old Kardampuri, Delhi who was admitted in LNJP Hospital after injuries by mob, on 25.02.2020 near Kardampuri Puliya, Delhi. He visited the hospital and received MLC NO.113844249/20 on which doctor mentioned alleged

history as “sustained injury during protest near Kardampuri at around 12 pm on 25.02.2020. The statement of victim could not be recorded as he was unconscious. All sincere efforts were made but no eye witness was found.

On 28.02.2020, the present case was registered on the same DD entry. During investigation statement of the victim was recorded who alleged that on 25.02.2020, he was standing at near Kardampuri pulia and some object hit his head. During investigation, on 24.04.2020, one public witness namely Mohd. Rafiq S/o Mohd. Farukh came and gave statement that five persons namely Gurmeet Singh, Gaurav, Deepak Tomar, Raj Kamal @ Rajkumar and Vikram arrested by PS Welcome were also involved in this case. All the five accused persons including applicant were arrested in the present case at Mandoli Jail.

It was submitted that the accused is seen in CCTV footage collected from around the place of occurrence.

It was further submitted that accused is also involved in 07 other riots cases. He was member of an unlawful assembly and liable for every action done by the assembly in prosecution of common object of that assembly u/s. 149 IPC.

It was prayed that bail application be dismissed.

6. (a)The present case is a result of grievous bullet injury suffered by the

victim Rizwan on 25.02.2020 at around 1-1.30 PM at Kardampuri Pulia, Delhi. The victim had not seen the attacker in the mob doing the rioting.

(b) The prosecution relies upon an eye witness namely Rafiq. He had given a statement u/s. 161 Cr.P.C that he is a vegetable seller and on 25.02.2020 while he was selling vegetables on his rehari from Kardam Puri Puliya to service road, communal riots took place and he saw that unlawful assembly of Hindus were beating some Muslim and some unknown persons were firing and doing rioting. He was able to identify 5-6 people including the present accused Gurmeet, as among the rioters, as he knew them and had seen them in the nearby area but does not know their address. The witness has given this statement on 24.04.2020 while the incident pertains to 25.02.2020. The applicant was not arrested, in the present case, on the instance of any witness but was formally arrested at Mandoli Jail. If that is so, then how the witness Rafiq has identified the accused by his face, is still anyone's guess. There is a gaping hole between the said two aspects.

(c) The CCTV footage is not of the place of incident but around the place of occurrence.

(d) The accused is in custody since 24.04.2020.

7. Considering the period of custody of the accused and in the totality of the facts and circumstances of the case, the present application under Section

439 Cr.P.C filed by applicant/accused is allowed and accused Gurmeet Singh @ Sonu is admitted on bail on furnishing of personal bond in the sum of Rs. 20,000/- with one local surety of the like amount to the satisfaction of Ld. MM/Link MM/Duty MM subject to the following conditions:

- (a) The accused shall neither leave the jurisdiction of NCT of Delhi without prior permission of the court nor shall he indulge in any kind of criminal activity.
- (b) He shall also not tamper with any evidence or contact any witness;
- (c) He shall attend the court on every date of hearing or as directed by court.

Application is accordingly disposed off.

Copy of this order be mailed to the counsel for applicant/accused, Ld. Prosecutor and the concerned I.O.

(AMITABH RAWAT)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 19.11.2020