

17.07.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Anil Kumar Mishra, Ld counsel for the accused/ applicant.

This is an application for grant of bail to accused Heera Singh, S/o Sardar Singh u/s 437 CrPC.

Reply has been filed by the IO.

It is submitted by the Ld. Counsel for the accused/ applicant that the accused has been falsely implicated in the present case and is languishing in custody since 29.06.2021. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court.

Ld. APP for the State has argued that the allegations contained in the FIR are serious and the accused should not be enlarged on bail as the possibility of him fleeing from justice cannot be ruled out.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, "The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and

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the like by the petitioner who seeks enlargement on bail from the Court.”

The accused was formally arrested on 29.06.2021 and is languishing in custody since the said date. It is the case of the prosecution that the accused was arrested after he made a disclosure statement regarding his involvement in the present case, post his arrest with respect to another FIR. The stolen property i.e. the vehicle bearing registration no. DL5SBC-5113 has already been recovered. Reply of the IO does not show any cogent ground meriting the further pre-trial detention of the accused. Further, the accused has only one other case pending against him and Ld. Counsel for the accused has submitted that the accused has been admitted to bail in the said case also. The previous involvement report of the accused also does not merit further pre-trial detention of the accused. Further, the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Heera Singh, S/o Sardar Singh** is admitted to bail on his furnishing of personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith. Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. counsel for accused/  
applicant.

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**MM-02(West)/THC/Delhi**  
**17.07.2021**



17.07.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Vishnu Kumar, Ld counsel for the accused/ applicant.

This is an application for grant of bail to accused Ankit Bhalla, S/o Charanjeet Bhalla u/s 437 CrPC.

Reply has been filed by the IO alongwith the previous involvement/conviction report of the accused.

Ld. Counsel for the accused/ applicant has argued that it is falsely alleged in the FIR that the accused was found in possession of the knife. Ld. counsel has argued that the knife was planted upon the accused and he has been falsely implicated in the present case. It is further submitted that as the accused has been subjected to custodial interrogation already, no useful purpose shall be served by detaining the accused in custody for any further period. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court.

Ld. APP for the State has argued that the allegations contained in the FIR are serious and the accused should not be enlarged on bail as the possibility of him fleeing from justice cannot be ruled out.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled

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State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538, "The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court."

The accused was arrested on 16.07.2021. The accused was found in possession of a button actuated knife. The offence alleged against the accused is serious in nature, and the knife could have been used by the accused for commission of other, more grievous offences. Investigation is at a nascent stage. Further, the previous involvement report of the accused reflects that he has been involved in grave offences. As such, it may be difficult to procure the presence of the accused for the purpose of trial, if the accused is admitted to bail. As the possibility of the accused fleeing from justice or otherwise abusing the liberty granted to him by way of bail cannot be discounted at this stage, and in view of the foregoing observations, this court is not inclined to allow the instant application. The application for grant of bail to accused Ankit Bhalla, S/o Charanjeet Bhalla accordingly stands dismissed at this stage, without prejudice.

Dasti.

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