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HIGH COURT OF DELHI AT NEW DELHI

No. 27609 /Crl.Dated 11.09.2020

From :

The Registrar General,
Delhi High Court,
New Delhi.



To:

1. The District & Sessions Judge (HQ)/ Central, Tis Hazari Courts, Delhi.
2. The District & Sessions Judge, West, Tis Hazari Court, Delhi.
3. The District & Sessions Judge, New Delhi, Patiala House Courts, Delhi.
4. The District & Sessions Judge, South, Saket Courts, Delhi.
5. The District & Sessions Judge, South-East, Saket Courts, Delhi.
6. The District & Sessions Judge, East, Karkardooma Courts, Delhi.
7. The District & Sessions Judge, North East, Karkardooma Courts, Delhi.
8. The District & Sessions Judge, Shahdara, Karkardooma Courts, Delhi.
9. The District & Sessions Judge, North West, Rohini Courts, Delhi.
10. The District & Sessions Judge, North, Rohini Courts, Delhi.
11. The District & Sessions Judge, South West, Dwarka Courts, Delhi.
12. The District & Sessions Judge, Rouse Avenue Courts, Delhi.

BAIL APPLN. 525/2020

Pooran @ Sumit .....**Petitioner**

VERSUS

State .....**Respondent**

Petition under Section 439 Cr.P.C. for grant of regular bail in case relating to FIR **No.030/2013 under Section 302/34IPC & section 25/27 Arms Act**, registered at **Police Station Mundka** Delhi.

Sir/Madam,

I am directed to forward herewith immediate compliance/necessary action a copy of judgment/order dated 10.09.2020passed in the above case by Hon'ble **Mr. Justice Suresh Kumar Kait** of this Court.

Vide aforesaid order the Hon'ble Court has inter alia directed to circulate a copy of the order dated 10.09.2020 to all the Ld.Judges for necessary actions.

Other necessary directions are contained in the enclosed copy of order.

Yours faithfully,

Admn. Officer Judl. (Crl.II)
For Registrar General

Encl : Copy of order dated : 10.09.2020
and Memo of Parties.

IN THE HIGH COURT OF DELHI AT NEW DELHI

CRIMINAL ORIGINAL JURISDICTION

BAIL APPLICATION NO. 525 OF 2020

(FIR NO. 30/2013 U/S 302/34 OF IPC & SECTION 25/27 OF ARMS ACT AT P.S. MUNDKA)

IN THE MATTER OF:

Pooran @ Sumit ..... Petitioner

Versus

State NCT of Delhi .... Respondent

MEMO OF PARTIES

In the matter of:

Pooran @ Sumit,
S/o Late Sh. Bhikam Singh,
R/o H. No. D-183, Extensio-2,
Nangloi, Delhi
Presently lodged at

Central Jail, Delhi. ..... Petitioner

Versus

State NCT of Delhi
Through Public Prosecutor,
High Court of Delhi
New Delhi. .....Respondent

FIR NO. 30/2013
U/s 302/34 of IPC
Section 25 & 27 of Arms Act
P.S. Mundka
In Jail Custody: 17.06.2013
Name & Details of Trial Court: Shri Pooran Chand,
Ld. ASJ, West District,
Tis Hazari Courts, Delhi.

Petitioner

Through

K. Singhal & Prasanna,

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 525/2020

POORAN @ SUMIT ..... Petitioner

Through Mr. Kanhaiya Singhal with Ms. Pratiksha Tripathi, Mr. Chetan Bhardwaj, Mr. Prasana and Mr. Ajay Kumar, Adv.

versus

STATE ..... Respondent

Through Mr. Amit Chadha, APP for State
With Insp Bishambhar Dayal Meena.
PS Munka

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **10.09.2020**

The hearing has been conducted through video conferencing.

1. Present petition has been filed by the petitioner under section 439 Cr.P.C. for grant of regular bail in pursuance to FIR No.30/2013 for the offences punishable under Sections 302/34 IPC and 25 & 27 of Arms Act registered at police station Mundka, Delhi.

2. For the same relief, petitioner had earlier filed application before this Court and the same was dismissed as withdrawn vide order dated 04.12.2018, however, directions were issued to expedite and conclude the trial within one year from the next date of hearing.

3. Ld. Counsel for the petitioner submits that as on 04.12.2018, only 16 prosecution witnesses were examined out of 52 witnesses and despite issuance of directions passed by this Court, till February, 2020 only five more

witnesses were further examined. Therefore, total 21 witnesses have been examined so far.

4. Learned Counsel for petitioner further submits that petitioner is in judicial custody since 17.06.2013. The incident in the present case is dated 08.02.2013 and Lalit, since deceased, died on 16.03.2013 i.e after 40 days. None of the witnesses had named the petitioner, however, he was arrested on 12.06.2013 in FIR No. 164/2013, wherein he allegedly revealed about his involvement in the present case and that he in connivance with co-accused executed the plan of murder.

5. Learned APP has opposed the present petition by submitting that the murder committed in the present case was cleverly planned, without leaving any evidence behind, therefore, for four good months police could not track the case. It was only when the petitioner was arrested in FIR No. 164/2013 on 12.06.2013, that he disclosed about his involvement in the present case and thereafter weapon and vehicle used in the offence were also recovered. Moreover, in order dated 29.03.2017 passed by this court, it is recorded that the petitioner extended threat to witnesses. The allegations against the petitioner are serious. Hence, the present petition deserves to be dismissed.

6. It is not in dispute that all material witnesses are member of the victim's family and have been examined and at this stage there is no likelihood of threat being extended to any of the witnesses.

7. Petitioner is in J.C. since 17.06.2013 and so far not even half of the witnesses could be examined. Thus, trial shall take substantial time and moreover in the four cases as mentioned in the status report dated 03.03.2020, the petitioner has been discharged in FIR No. 18/2013 and acquitted in FIR Nos. 134/2013 and 58/2013, however, only one case is pending trial against

the petitioner i.e. FIR No. 164/2013.

8. It is also not in dispute that as on 04.12.2018, 16 witnesses were examined and even after one and half years, only 5 witnesses could further be examined due to the reasons mentioned in the report filed by the District & Sessions Judge pursuant to the directions passed by this Court.

9. As per the ballistic report, it is established that the deceased was shot by the same weapon recovered from the co-accused in the present case.

10. However, without commenting on the case of the prosecution and keeping in view the period already spent in judicial custody and that trial shall take substantial time, I am of the view that the petitioner deserves bail.

11. Accordingly, he shall be released on bail forthwith on his furnishing a personal bond of Rs.25,000/- and two sureties of the like amount to the satisfaction of Trial Court

12. Petitioner shall not directly or indirectly influence or contact any witness or tamper with the evidence.

13. The Trial Court shall not get influenced by the observation made by this Court while passing the order.

14. The petition is, accordingly, allowed and disposed of.

15. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for information and necessary compliance.

16. Before parting with this petition, as noted above, vide order dated 04.12.2018, this Court directed the Trial Court to expedite and conclude the trial within one year. Admittedly, the Trial Court could not conclude the trial within the stipulated time as directed by this Court.

17. It is also not in dispute that the Trial Court neither complied with the directions nor sought for extension of time. However, when the learned

counsel for petitioner apprised this Court about order dated 04.12.2018, this Court sought a report from the Trial Court as to why directions pursuant to aforesaid order has not been complied with. Accordingly, the concerned court file a report mentioning reasons therein.

18. In view of above, I am of the considered opinion that once a direction is passed by this Court to the subordinate Court, the said court is duty bound to comply with the directions within the stipulated time or seek extension for the same. However, I have come across certain cases, wherein this Court had passed directions, but subordinate Courts have neither complied with them nor sought extension for the same.

19. Accordingly, I hereby direct all the subordinate courts concerned that when directions are passed by this Court, the courts shall duly comply with the same, in failure whereof they shall seek extension from this Court well in advance i.e. before expiry of the period as directed by this Court. In the event the subordinate court fails to act in accordance with the directions passed by this Court, action shall be taken against the judicial officer concerned as per law.

20. Registry of this Court is directed to communicate this order to all the District & Sessions Judges, Delhi who shall in turn apprise to all the learned Judges concerned. .

21. The order be uploaded on the website forthwith.

RAKESH KUMAR KAIT, J

SEPTEMBER 10, 2020
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THE SEAL OF HIGH COURT DELHI

TRUE COPY

Most urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 17257-337 Genl./Jud.Circl./HCS/2020 Dated, Delhi the 16 SEP 2020

Copy of the letter alongwith order dated 10.09.2020 passed by Hon'ble Mr. Justice Suresh Kumar Kait of High Court of Delhi in Bail Appln. 525/2020 titled as " Pooran @ Sumit Vs. State" be circulated for information and necessary action/compliance to:-

1. **All the Ld. Judicial Officers posted in Central District, Tis Hazari Courts, Delhi.**
2. **The Chairperson, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the website of Delhi District Courts.**
3. **The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no. DJA/Dir./Acd./2019/4306 dt. 06.08.2019.**
4. **For uploading the same on Centralized Website through LAYERS.**
5. **PS to Ld. Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.**

16/9/20

(GAJENDER SINGH NAGAR)
Link-Officer-In-Charge (Genl. Branch)
ACMM-2, (Central) THC, Delhi.

Encls. As above.

No. 940 **Genl./Jud.Circl./HCS/2020 Dated, Delhi the** 16 SEP 2020

Copy to:

The Registrar General, Hon'ble High Court of Delhi, New Delhi for information please.

16/9/20

Link-Officer-In-Charge (Genl. Branch)
ACMM-2, (Central) THC, Delhi.

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