

FAREWELL SPEECH ON THE RETIREMENT OF
HON'BLE MR. JUSTICE P.K. BHASIN DELIVERED
ON 18.07.2014

G. ROHINI
CHIEF JUSTICE

Justice P.K. Bhasin,

My esteemed brother and sister colleagues,

Shri Rajeev Khosla, President, Delhi High Court Bar Association,

Shri Neeraj Kishan Kaul, Additional Solicitor General,

Shri Ram Singh Chauhan, Chairman, Bar Council of Delhi,

Shri Rakesh Sherawat, Vice Chairman, Bar Council of Delhi,

Shri Vijay Kumar Sondhi, Hony. Secretary, Bar Council of Delhi,

Shri Jatan Singh, Vice-President, Delhi High Court Bar Association,

Shri Abhijat, Hony. Secretary, Delhi High Court Bar Association,

Ms. Zubeda Begum, Standing Counsel (Civil), Govt. of NCT of Delhi

Shri Salim Ahmed, Standing Counsel (Criminal), Govt. of NCT of
Delhi

Other Standing Counsel of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

District & Sessions Judges,

Senior Advocates,

Public Prosecutors,

Members of the Bar,

Law Secretary,

Family members of Justice Bhasin,

Ladies and gentlemen.

We have gathered here to bid farewell to Justice P.K Bhasin who is demitting the office today after rendering distinguished service to this Court for more than eight years. I can say without any hesitation that with the retirement of Justice Bhasin, the Bench and Bar of the Delhi High Court will be losing a brilliant and illustrious Judge.

For a lot of people law is by chance, but for Justice Bhasin it was by choice, as he was inspired by the work done by his father who had served the Indian Army as Law Manager.

After completing a brilliant academic career from Delhi University, Justice Bhasin enrolled himself with the Bar and started his legal career in 1974. Having had a distinguished practice of 17 years mostly on the civil side in District Courts and Delhi High Court, Justice Bhasin opted for the judicial service and joined the Delhi Higher Judicial Service in the year 1991. As an Additional District and Sessions Judge, he had dealt with various branches of law apart from presiding over Industrial Tribunal and Motor Accident Claims Tribunal for a considerable period.

On 28th February 2006, Justice Bhasin was posted as the District & Sessions Judge, Delhi and after a shortwhile on 5th April, 2006, he was elevated as an Additional Judge of Delhi High Court.

Though Justice Bhasin had mainly practiced on civil side as a lawyer, after his appointment as an Additional District & Sessions Judge, he distinguished himself as an excellent Judge on criminal side and decided number of sessions cases involving complicated questions of fact and law.

A Judge is required not only to faithfully interpret and apply law, but it is equally essential for him to be conscious of the social realities of the world and to decide the cases fairly and wisely.

In this respect, I must mention that Justice Bhasin made a very valuable contribution in the form of his extremely balanced judgments even in many high profile cases.

It is a special privilege to acknowledge some of the most distinguished decisions delivered by Justice Bhasin which have become instrumental in development of criminal law. Remarkably, all these decisions have been upheld by the Supreme Court of India.

Justice Bhasin was a member of the Bench which decided the famous Jessica Lal murder case, the decision of which was reported in *State vs. Sidhartha Vashisht*, 135 (2006) DLT 465, in which the Court, while convicting the accused under Section 201, 120B, 302 IPC read with section 27 of Arms Act and the co-accused under section 201 and 120B IPC, held that "Where there is no suggestion let alone an admission on part of witness that she has not seen accused firing a shot at victim and testimony of such witness is also corroborated by testimony of other witness, it is wrong to hold that witness has admitted not seeing accused firing at victim."

In *State v Sushil Kumar*, 137 (2007) DLT 646, also known as the Tandoor Case, Justice Bhasin observed that the conduct of the accused was so abhorrent and dastardly that it falls under the category of rarest of rare cases. Thus in the interest of justice and conscience of society, it is appropriate to award death penalty.

A crucial aspect with regard to analysis of circumstantial evidence was dealt with in *State (through CBI) vs. Santosh Kumar Singh*, 133 (2006) DLT 393, also known as Priyadarshni Matto Case.

In *State vs. Mohd. Arif @ Ashfaq @ Abu Hamad*" 144 (2007) DLT 105 (DB)], death penalty awarded to the terrorists responsible for the attack on Red Fort was confirmed, categorising the offence as rarest of the rare.

In *State vs. Mohd. Arif @ Ashfaq @ Abu Hamad*" 144 (2007) DLT 105 (DB)], the accused was guilty for committing the murder of family of Member of Parliament, Mr. Lalit Makkhen and life sentence was awarded to the accused, while altering the conviction u/s 307 and 302 IPC.

In *Amod Kumar Kanth Vs. Association of Victims of Uphaar Tragedy & Anr.*" (Crl. M.C.2746/2010) filed by a former senior police officer challenging the order of the Metropolitan Magistrate summoning him as an accused in Uphaar tragedy case, Justice Bhasin held that High Court should not ordinarily be approached directly against summoning orders since the Magistrates can very well consider and dispose of the objections of the accused including that of absence of sanction for his prosecution.

Though there are many other landmark decisions rendered by Justice Bhasin which I am not referring due to paucity of time, however, it can be summed up that all his decisions reflect his thorough knowledge of law, forthrightness and fierce independence.

It would not be out of place to mention that Justice Bhasin has been an active member of the Administrative and General Supervision Committee, Medical Committee, Committee for Appointments of Special Metropolitan Magistrates, Oath Commissioners and Law Clerks, among others, and has rendered his valuable inputs in resolving various critical issues for smooth functioning of the institution.

In the short span of time that I have known him, I found that Justice Bhasin has a nobility of classic quality in all that he does. He is loved and respected by the Bar and the Bench alike.

Justice Bhasin, through his loyalty to the ethics and commitment to the cause of upholding the nobility of justice administration system, has secured a remarkable reputation not just for himself but to this institution as well.

On behalf of my brother and sister Judges and on my behalf, I take this opportunity to extend my gratitude to Justice Bhasin for his distinguished contribution to the institution which will be remembered for ever.

I conclude wishing Justice Bhasin good luck in all his future endeavours.

May the choicest blessings of the Almighty be showered on him and all his family members for more happy, healthy and prosperous years to come.

Thank you.