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

+ BAIL APPLN. 2509/2016

RAHUL

..... Petitioner

Through Mr.Vineet Chadha, Adv.

versus

STATE

..... Respondent

Through Mr.Ashish Dutta, APP with Insp.
Gurnam Singh, PS Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **20.12.2016**

Arguments heard.

The present application has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.1531/2015, under Sections 302/392/34 IPC, Police Station Tilak Nagar.

The allegations levelled in the present case are that on 26.10.2015 at about 01.50 a.m., a person was lying unconscious near Durga Mata Mandir, Tilak Nagar. The police found blood scattered at the spot and the injured was taken to the hospital. MLC of the injured was collected on which the doctor observed that the injured received sharp injury and that his condition was grasping. The case was registered under Section 307 IPC. On the same day, the injured died in the hospital and the penal section was converted to 302 IPC. During investigation, name of the deceased came to be known as

Rahul son of Hori Lal. Brother of the deceased identified the dead body of his deceased brother and had stated that his brother was having black colour purse and a wrist watch which were missing.

On 30.10.2015, petitioner/accused Rahul and his associate Sagar were apprehended in another case and they disclosed their involvement in the present case also. Accused/petitioner was arrested. During investigation, purse of the deceased was recovered at the instance of the petitioner. Watch of the deceased was also recovered from the house of the accused.

Learned counsel for the petitioner has argued that the accused has been wrongly booked in the present case. The accused has been booked only on the basis of disclosure statement and no case is made out against the accused.

On the other hand, learned APP for the State has argued that there is video footage of the area which shows that on the fateful night, the petitioner/accused and his associate were on looting spree and during the same, they robbed and murdered the deceased. Purse and watch of the deceased were recovered at the instance of accused and the recovered purse has been identified by the brother of the deceased in judicial TIP.

The fact remains that the trial court has already framed the charge under Sections 392/397/302/34 IPC. Out of total 22 witnesses, 2 witnesses have already been examined including the brother of the deceased who has supported the case of the prosecution. It is also apparent from the record that the robbed articles of the deceased were recovered at the instance of the accused.

Keeping in view the seriousness of allegations that the petitioner/accused has committed the murder of the deceased after robbing his belongings, this Court is not inclined to grant bail to the petitioner. However, the trial court is directed to expedite the trial.

Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

Bail application is accordingly dismissed.

P.S.TEJI, J

DECEMBER 20, 2016
dd