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

+ **BAIL APPLN. 2628/2016 and CRL.M.A. 19850/2016**

RAKESH @ NANHE

..... Petitioner

Through: Mr. S.P. Kaushal, Mr. Rohit Kumar &
Mr. Satendra Pratap Singh,
Advocates.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Rajat Katyal, APP and Ms. Ankita
Goyal, Advocate along with SI
Pankaj Kumar, PS-Vasant Kunj
(South), for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
21.12.2016

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Issue notice. Mr. Katyal accepts notice.

The petitioner has applied for regular bail under Section 439 Cr.P.C. in case FIR No.121/2013 registered at PS – Vasant Kunj (South). The said case has been registered under Section 302/ 201/ 212/ 120B/ 482/ 420/ 468/ 471/ 34 IPC read with Sections 25/ 27/ 54/ 59 of the Arms Act.

The case involves contract killing. The petitioner is alleged to have arranged the vehicle used by the contract killers for carrying out the operation and escaping after shooting the victim.

It is pointed out by Mr. Katyal and is also evident by the order passed by the learned ASJ that one of the witnesses in the case, who had complained about the threats being issued by the accused died an unnatural death, which appeared like a road accident after he had deposed in the case against the accused.

The submission of learned counsel for the petitioner is that all the prosecution witnesses qua the petitioner have already deposed. He further submits that the investigation done in relation to the threats issued to the deceased witness do not implicate the petitioner.

Learned counsel for the petitioner has also submitted that the accused, who allegedly arranged the firearm for the alleged murder of the victim, has already been released on bail. He, therefore, seeks parity.

Mr. Katyal submits that out of 110 witnesses, 68 witnesses have been examined in the last 3 years.

Having heard learned counsel for the petitioner, the learned APP and perused the record, I am not inclined to grant bail to the petitioner at this stage.

As noticed above, the case involves contract killing. The roll of the petitioner allegedly is that he had arranged the Skoda vehicle for carrying out the crime. The vehicle was traced, and statement of the erstwhile owner was recorded, who stated that the vehicle had been sold to the petitioner. The evidence of the car being used in the crime has been collected. The hairs of the assailant had already been recovered from the vehicle.

The submission that the evidence of witnesses qua the petitioner have been recorded, is neither here nor there. As noticed above, the case involves a conspiracy. Therefore, each accused has interest in seeing that the entire

case fails. The evidence of all the witnesses has a bearing on the defence/ fate of each of the accused.

The submission that one of the other co-accused, who had arranged the firearm has been released on bail, cannot be taken advantage of in view of the fact that one of the witnesses, who complained of threats being issued has died in an alleged road accident after he had deposed. In fact, the same may be a reason for recall of the grant of bail to the said accused.

Mr. Katyal points out that the reason given by the High Court while granting bail to the said accused was that nothing material has been recovered qua the said witness, which is not the case in hand.

In view of the aforesaid, the application is dismissed. The matter is pending before the Fast Track Court and it is hoped that the remaining prosecution evidence shall be recorded without any delay.

VIPIN SANGHI, J

DECEMBER 21, 2016

B.S. Rohella