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

+ **BAIL APPLN. 2698/2015**

SANJAY

..... Petitioner

Through : Mr.R.N.Sharma, Advocate.

versus

THE STATE (GNCT OF DELHI)

..... Respondent

Through : Mr.Vinod Diwakar, APP.
Insp.Puran Chand.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

% **ORDER**
06.05.2016

(1) The petitioner seeks regular bail in case FIR No.62/2014 under Sections 302/201/34 IPC registered at Police Station Jafarpur Kalan. Status report is on record.

(2) I have heard the learned counsel for the parties and have examined the file. Petitioner's counsel urged that the petitioner is in custody since 29.03.2014. All the material prosecution witnesses have already been examined. No clinching evidence has surfaced so far to connect the petitioner with the crime. He referred to the statement of the complainant where in cross-examination, he

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disclosed that the deceased was seen in the company of Amit and Jaipal. It falsified the circumstance of last seen as relied on by respondent. Bail is opposed by the learned Additional Public Prosecutor.

(3) Status report reveals that out of 26 witnesses, 23 have already been examined. Apparently, the trial is being concluded expeditiously. The prosecution case is based on circumstantial evidence. The prosecution has relied upon various circumstances including that of last seen; Call Details Record; recovery of the motorcycle used in the crime.

(4) PW-2 (Suresh), victim's father in the examination-in-chief categorically deposed that the victim was seen in the company of his friends including the present petitioner. The petitioner was identified by him in the court. The Trial Court rightly observed that at the time of consideration of the bail application, evidentiary value of the testimonies of the various prosecution witnesses cannot be evaluated minutely.

(5) Considering the gravity of the offence whereby a young boy, aged around 19 years, was murdered brutally, I find no sufficient ground to grant bail at this stage.

(6) The bail application is dismissed.

S.P.GARG, J.

MAY 06, 2016

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