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

+ **BAIL APPLN. 413/2017**

AMAN BHATIA

..... Petitioner

Through Mr. Rambir Singh, Advocate

versus

THE STATE

..... Respondent

Through Dr. M.P. Singh, APP for State
Insp. Uday Kumar and SI Ram
Partap, PS Delhi Cantt.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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09.05.2017

The petitioner seeks bail in connection with FIR No. 486/2014 dated 14.08.2014 (P.S. Delhi Cantt.) instituted for offences under Section 302 IPC.

The petitioner is in judicial custody since 18th August, 2014.

One Nitin @ Puchhi was killed and the petitioner is stated to be one of the assailants. During the course of investigation, the petitioner along with two others made a disclosure/self inculpatory statement stating that they have killed the deceased Nitin with firearm, brick bats and strangulation. At the instance of the petitioner, a blood strained shirt of the deceased was also recovered. Brick bats and other items were recovered at the instance of other accused persons.

PW-5 Rita Devi has identified the petitioner as one of the persons who had surrounded the deceased and had assaulted him. This was witnessed by her from the balcony of her house. The dead body was found

in a jungle.

It has further been submitted on behalf of the petitioner that though the occurrence took place on 13th August, 2014 but the statement of PW-5 was recorded for the first time on 18th August, 2014.

PW-5 in her statement, has submitted that after witnessing the occurrence, she went into depression for about 4-5 days and therefore, she could not inform the police.

Learned counsel for the petitioner has submitted that two other accused persons, namely Haresh @ Honey and Ankit Khanna have been granted bail by the trial Court. Out of 42 cited witnesses, 28 witnesses have already been examined and only police officers and the Doctor is left to be examined. It is further submitted that these witnesses cannot be approached or any material could be tempered with, if the petitioner is released on bail.

While opposing the bail, Dr. M.P. Singh, learned APP submitted that the petitioner has been identified by PW-5 as one of the assailants. At his instance, incriminating materials connecting him with the crime have been recovered. No parity could be made with two other persons who were granted bail at an earlier stage when no incriminating materials had surfaced. It is submitted that the case of the petitioner could not be equated with the aforesaid two persons.

Regard being had to the nature of accusation, custody of the petitioner and the stage of the case, this Court is inclined to grant bail to the petitioner.

Let the petitioner be released on bail on his furnishing a bond in the sum of Rs.25,000/- with two sureties of like amount to the satisfaction of the Trial Court.

The petitioner, after his release on bail, shall participate in the trial and would not absent himself from the trial proceedings without prior permission of the trial Court. The absence from the trial on two consecutive dates without seeking prior permission of the trial Court, would entitle the State to seek cancellation of his bail.

The bail application is allowed and disposed of.

Dasti.

ASHUTOSH KUMAR, J

MAY 09, 2017

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