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

+ BAIL APPLN. 488/2017

KARAN VERMA Petitioner

Through Ms.Rakhi Dubey, Adv.

versus

THE STATE (NCT OF DELHI) Respondent

Through Mr.Akshai Malik, APP with Insp.
Jagdish Yadav, PS Mandawali.
Mr.Ritesh Bahri & Mr.Vipin Bansal,
Adv. for the complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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22.03.2017

Arguments heard.

The present application has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.486/2013, under Section 302/34 IPC, Police Station Mandawali.

The allegations levelled in the present case are that on 16.09.2013, a PCR Call was received to the effect that one person was lying unconscious near Pappu Halwai, A-Block, South Ganesh Nagar, Delhi. The police reached the spot and injured was shifted to LBS Hospital. The injured was not found fit for statement. Blood stains were found in the room, corridor and at the staircase of H.No.A-456,

Third Floor, South Ganesh Nagar. As per the MLC of the injured, FIR under Section 307 IPC was registered. The deceased succumbed to his injuries in the hospital and the case was converted into Section 302/34 IPC. Statement of eye witness Prashant Kumar was recorded who stated that accused Karan Verma was regular visitor with co-accused Parvinder Singh Yadav and Kamal at A-456, Third Floor, South Ganesh Nagar. He further stated that in the night of 16.09.2013 when he reached his house on the same floor, he heard noise of quarrel. From his balcony he saw four persons giving beatings with bricks to deceased and then he made a PCR call.

Argument advanced by the learned counsel for the petitioner is that incident is dated 16.09.2013 and FIR was registered on 17.09.2013. The accused was arrested on 18.09.2013 and he is in judicial custody for the last about 3½ years. It is further argued that the wife of the deceased had levelled specific allegations against some other persons but the same were let off by the police and the present petitioner has been booked falsely in the present case. It is submitted that the wife of the deceased had made several complaints to authorities regarding letting off of the real murderers but the police did not take any action against them. It is further submitted that the testimony of eye witness (PW4) cannot be relied upon as he had not disclosed the name of the accused to the police at the first instance. It is further submitted that the testimony of PCR official (PW16) who took the deceased to the hospital to the effect that the deceased disclosed the name of accused persons is also of no consequence.

On the other hand, learned APP for the State has opposed the

bail application on the ground that the eye witness had duly named the accused in his statement made under Section 161 Cr.P.C. to the police. Even in his deposition in the Court as PW4, he had identified the accused/petitioner as one of the assailants who gave beatings to the deceased on the day of incident. He has further submitted that PW16 ASI Dharamvir, Incharge of the PCR Van who took injured to the hospital has also made a statement that on the way to hospital, injured disclosed to him that accused Karan Verma and his co-accused persons assaulted him. It is further submitted that the trouser of the accused was found to have blood stains of the deceased and the said fact has duly been established from FSL report. Further, the car of the deceased was also recovered at the instance of the accused from which a bag belonging to the deceased containing his valuable papers was recovered.

Argument advanced by the counsel for the complainant is that the eye witness and the PCR official have duly supported the case of prosecution. There is sufficient material on record which proves the guilt of the accused that he along with his co-accused persons has committed the murder of the deceased. The gravity of the offence does not call for any concession of bail to the accused.

There are specific allegations against the accused regarding his involvement with other co-accused persons of giving severe beatings to the deceased which resulted into his death. Eye witness of the incident has duly supported the case of the prosecution that he had seen accused Karan Verma and his co-accused giving beatings to the deceased on the day of incident. Police official of the PCR Van who

took the injured to the hospital has also stated that on the way to the hospital the injured informed him that he was given beatings by the accused persons including the present petitioner/accused. There is scientific evidence also on record which shows that the trouser of the accused was found with blood stains of the deceased on it. It is a matter of record that out of total 33 prosecution witnesses, 22 witnesses have already been examined and substantial witnesses have already been recorded.

Contentions raised by the learned counsel for the petitioner/accused to the effect that the allegations levelled are false or that the accused has been falsely implicated or that testimony of eye witness and PCR official cannot be relied upon, are a matter of defence and no comment on the same can be made at this stage. No comment on the same can be made at this stage as the same is matter of trial and it can be ascertained only by the trial court at the time of passing of final judgment. It is also a matter of record that the bail application of co-accused Parvinder Singh Yadav and Kamal have already been dismissed.

In view of the above mentioned facts and circumstances, the gravity of the offence involved and the role attributed to the accused, this Court is not inclined to grant bail to the accused.

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.

The application is accordingly dismissed.

P.S.TEJI, J

MARCH 22, 2017
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