

\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 800/2017 & CRL.M.(BAIL) 1105/2017, CRL.M.A.
13638/2017, CRL.M.A. 16821/2017
SUKHPREET SINGH @ BUNTY

..... Petitioner

Through: Mr. Rajiv Mohan, Mr. Abhishek
Sriwastawa, Mr. Abhimanyu Kampani and Ms.
Priyanka Singh, Advs.

Versus

STATE

..... Respondent

Through: Mr. Ravi Nayak, APP for the State with
Inspector Pawan Sharma, P.S. Nihal Vihar

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **13.12.2017**

The petitioner seeks bail. He has been accused of the offence under section 302 IPC. The prosecution has arrayed two eye witnesses who have not supported the prosecution case. The learned counsel for the petitioner contends that there is no evidence whatsoever apropos him. The prosecution evidence has been recorded except for the evidence of Investigating Officer over whom the petitioner cannot have any sway. According to the undated status report filed on behalf of the SHO, P.S. Nihal Vihar the petitioner has been in touch with the other co accused and his call details records are still being analysed and a supplementary chargesheet has been filed. However, according to the learned counsel for the petitioner the prosecution's own case reflect that the mobile phone belonged to one

Ram Parvesh hence the petitioner cannot be linked to those call records.

Be that as it may, since the entire evidence of the prosecution has been recorded and the petitioner cannot have any sway over the prosecution case, he may be released on bail. The learned counsel for the petitioner submits that his name was not mentioned in the FIR nor there was any eye witnesses to the petitioner's involvement in the case. He argues that the petitioner has been falsely implicated in this case merely on the basis of disclosure statement of the co-accused.

Having heard the learned counsel for the parties, and considering the above circumstances, the Court is of the view that no purpose would be served in keeping the petitioner behind bars. Therefore, he is enlarged on bail on his furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Trial Court, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court;
- (ii) the petitioner will not leave the country without prior permission of the Court and the passport, if held by the petitioner, shall be deposited with the Trial Court concerned; and
- (iv) in case of a change, the petitioner will intimate his new address and contact to the SHO/IO of the case under intimation to the Trial Court concerned.

The petition stands disposed off in the above terms

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for information.

NAJMI WAZIRI, J.

DECEMBER 13, 2017

ACM