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

+ **BAIL APPLN. 1043/2017**

**RAHUL @ SHATTEWAL** ..... Petitioner  
Through: Mr. Vineet Jain, Adv.

Versus

**STATE (GNCT OF DELHI)** ..... Respondent  
Through: Ravi Nayak, APP

**CORAM:**  
**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**  
% **06.11.2017**

The learned counsel for the petitioner submits that out of the 39 prosecution witnesses, 13 witnesses have been examined so far. These are all public witnesses, including the father, brother and wife of the deceased. The learned counsel for the petitioner submits that out of the 13 public witnesses examined, only five have been listed as eye-witness, viz. father, brother and wife of the deceased. They have not identified the petitioner as the person who had allegedly beaten the deceased as per the FIR. The other two eye witnesses i.e. Mohd. Naushad Ali and Mr. Azad Ahmad too have not identified the petitioner for the role alleged against the petitioner. He submits that the witnesses who remain to be examined are police officers over whom the petitioner cannot, in any way, have any influence, therefore, there can be no apprehension of his interference in the trial. The petitioner has earlier been released on interim bail for 13 days on account of the

demise of his sister. This period was not misused by him and he surrendered to the jail authorities within time.

It is not in dispute that Mohd. Naushad Ali, who is the complainant, and is alleged to have witnessed the crime, has turned hostile. In other words, the petitioner has neither been identified by him nor has any role been assigned to him regarding the crime. Similar is the deposition of brother and father of the deceased. The wife of the deceased in her examination does not specify any role to the petitioner.

The learned counsel for the petitioner submits that indeed the petitioner himself on his motorcycle, had taken the brother-in-law of the deceased to the hospital where the latter had been taken; this clearly shows that the petitioner was not involved in the crime; the petitioner has been in jail for the last three years and eight months.

In view of the above, a case for grant of bail is made out. Accordingly, the petitioner is directed to be released on bail subject to his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Court concerned, if he is not required in any other case.

The petitioner is directed to appear before the I.O. as and when called by the I.O. and shall make no attempt, directly or indirectly, to contact any witness or the complainant or the relatives of the complainant as well as close associates of the complainant.

Any observation made in this order shall have no bearing on the merits of the case.

The petition is disposed off.

Dasti under the signature of the Court Master.

**NOVEMBER 06, 2017**/<sub>kk</sub>

**NAJMI WAZIRI, J.**