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

+ **BAIL APPLN. 1447/2017**

MAHARAJ SINGH @ SHIVA GUJJAR Petitioner

Through: Mr.Javed Alvi with Mr.Subrat
Chouhan, Advs.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr.Ashish Dutta, APP.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **20.09.2017**

The petitioner seeks bail in connection with Sessions Case No.02/11 arising out of FIR No.133/2010 dated 27.04.2010 (P.S.South Rohini) instituted for the offences under Sections 302/365/201/404 and 34 of the IPC.

One Mukesh Kumar lodged a written complaint regarding the abduction of his elder brother Vinod Kumar @ Pappu on 27.04.2010. During the course of investigation, the petitioner was arrested, who is said to have made a disclosure statement regarding his involvement in the murder of aforesaid Vinod Kumar, brother of the complainant. The petitioner is also said to have named another co-accused namely Joginder Singh, who has been granted bail by the Court below.

It has been submitted that the dead body of the deceased was not recovered.

Apart from the self incriminating statement by the petitioner, the other materials which could be collected during the course of investigation were

vague suspicion of the brother of the deceased that the petitioner who runs a dairy had called the deceased on one occasion and the statement of one Rampal Singh who is stated to have seen the deceased last in the company of the petitioner. During trial, aforesaid Rampal Singh who was examined as prosecution witness No.2 has only repeated the aforesaid statement which he had made before the police that he had seen the deceased in the company of the petitioner before he was reported missing.

The petitioner is in custody since 11.08.2010.

Learned counsel for the petitioner has informed this Court that upto now 17 witnesses have been examined but the last P.W was examined only on 09.07.2016. Thereafter no other witness has been examined.

Taking into account the nature of accusation against the petitioner, the period of custody and the unexplained/inordinate delay in bringing the witnesses to the witness box, this Court is inclined to release the petitioner on bail during the pendency of the trial.

The petitioner is directed to be released on bail, on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

The petitioner is, however, directed to participate in the trial and his absence from the trial proceedings on two consecutive dates, without prior permission from the Trial Court would entitle the prosecution to take steps for cancellation of his bail.

The application is disposed of.

Dasti.

ASHUTOSH KUMAR, J

SEPTEMBER 20, 2017/k