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

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Judgment delivered on: 28.05.2018

+ BAIL APPLN. 154/2018

JAICOM@ PAHALWAN

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr.J.P.Singh with Mr Deepak Singh, Mr
Anupam Pandey and Mr Ravi Kant Pal

For the Respondent :

Mr.G.M.Farooqui, Addl. PP for the State
SI Ravinder, PS Alipur.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.05.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks bail in FIR No.243/2012 under Sections 302/120B/34 IPC, Police Station Alipur.
2. The only material which allegedly connects the petitioner with the offence is the recovery of an artificial ring alleged to be belonging to the deceased.
3. Consequent to order dated 24.05.2018, the will has been

produced in the Court, which has been sealed by the seal of the Trial Court bearing the inscription “R.B.”.

4. The ring is directed to be opened in the Court today. The same has been found in a match box. After perusal of the ring, it is again re-sealed with the seal of the “Registrar High Court of Delhi” and has been handed over to the Investigating Officer.

5. As per the FIR, there was theft in the warehouse where the deceased was working as a Security Guard. At the time of the theft, the Security Guard was murdered. The dead body of the Security Guard was recovered. The petitioner was arrested after two and a half months of the date of the incident.

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and there is no material connecting the petitioner with the subject offence. He submits that the allegation of theft is 200 *katta* of sugar and nothing has been recovered from the petitioner.

7. As per the status report, the petitioner has been implicated based on a disclosure statement and the ring, which has been recovered from the possession of the petitioner which, as per the prosecution, belonged to the deceased. The ring has been identified by the son of the deceased.

8. Learned counsel for the petitioner submits that ring is an

artificial ring of *Neelam* without any identification mark and is a generic ring which is generally available. He further submits that apart from the ring, there is no evidence to implicate the petitioner in the subject offence.

9. As per the Nominal Roll, the petitioner has been in custody since 17.10.2012 while having availed interim bail from 30.11.2013 to 05.12.2013, the jail conduct of the petitioner is also stated to be satisfactory. As on 08.03.2018, the petitioner had undergone under-trial period of 5 years 4 months and 14 days.

10. Out of 34 witnesses, 21 witnesses have been examined.

11. Without commenting on the merits of the case, on perusal of the record, I am of the view that the petitioner has made out a case for grant of regular bail.

12. Accordingly, it is directed that the petitioner be released on bail, subject to petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of the Trial Court, if not required in any other case.

13. Further, it is directed that the petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. The petitioner shall not leave the country without permission of the Trial Court. The petitioner shall furnish his as well as the surety's permanent address and mobile number to the Investigating Officer.

Petitioner shall report to the SHO police station, Alipur on first Saturday of every month.

14. The Petition is disposed of in the above terms.

15. Order Dasti under signatures of the Court Master.

MAY 28, 2018

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SANJEEV SACHDEVA, J

