

\$~7

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

+ **BAIL APPLN. 830/2018**

RAHUL KUMAR

..... Petitioner

Represented by: Mr.Anubhav Dubey and Mr.Manoj
Kumar, Advocates

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr.Amit Ahlawat, APP for the State
with Insp.Madhav, PS Paschim Vihar

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.07.2018

%

1. By this petition, the petitioner seeks bail in case FIR No.41/2017 under Sections 302/201 IPC registered at PS Paschim Vihar. The abovenoted FIR was registered DD No.4-A, PS Paschim Vihar after a PCR call was received on 8th February, 2017 informing about a murder.

2. Statement of Brahmjeet Singh was recorded who stated that he along with his brothers was running the business of flowers at Jwala Heri Market. One of his brothers namely Navratan used to sell flowers near Green Apartment, Paschim Vihar and had gone to Bullandsehar, UP as wife of his brother-in-law was unwell. He stated that his brother-in-law Pushpender used to sit with Navratan and used to help him in business for the last many years. At around 8:30 PM on 7th February, 2017, Pushpender informed

3. Pawan that he was going to take order from Multan Nagar whereafter he did not come back. From his mobile phone, the victim had informed Seema that he had collected ₹30,000/- and would come back home soon. Ms.Seema, wife of Navratan came to the residence of Brhamjeet at 1:00 AM and informed that Pushpender had not returned home as yet and they started searching for Pushpender. At around 3:00 AM they noticed that motorcycle of Pushpender was lying near main road B-3 Block, near Tanki Wala Park, Paschim Vihar. After they entered the park, they found blood on the footpath and after a distance dead body of Pushpender was lying with injuries on his head and one blood stained heavy stone lying nearby. The role of the petitioner surfaced after call details of mobile phone of Pushpender were analyzed and location of his mobile phone was found to be near Siraspur, Rohini at around 2:00 AM and near outer ring road, Rohini at around 6:00 AM on 8th February, 2017. On verifying the location details, one Pinku was interrogated who was residing at Village Siraspur, Rohini and on his disclosure, Rahul the present petitioner was apprehended and from his search mobile phone being used by Pushpender was recovered which was identified by witness Navratan.

4. Learned counsel for the petitioner submits that the mobile phone recovered from the petitioner did not belong to the deceased as it was not in his name. Statement of Ravinder has been recorded in this regard who has spoken about the identity of the phone handed over to the deceased Pushpender. Further one blood stained black shoe, one white colour Nokia mobile phone having SIM No.8585968403 were also recovered at the instance of the petitioner. The blood stains on the shoe matched with that of

the deceased as per the DNA analysis.

5. Considering the material collected during the course of investigation, this Court finds no ground to grant bail to the petitioner. Petition is dismissed.

MUKTA GUPTA, J.

JULY 23, 2018

mamta