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

+ **BAIL APPLN. 1083/2018**

FIRDAUSH

..... Petitioner

Through: Ms. Rebecca John, Sr. Adv. with Mr.
Kushdeep Guar and Ms. Megha Bahl,
Advts.

Versus

STATE

..... Respondent

Through: Ms. Aasha Tiwari, APP with SI
Ranvir Singh, P.S. Fatehpuri Beri.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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03.07.2018

Learned senior counsel for the petitioner submits that whole case is based on circumstantial evidence. As per the prosecution version, petitioner was last seen with the deceased by PW2 Gujjar Ramesh at about 9:30 pm on 18th November, 2016. As per this witness, petitioner and deceased went inside the Flat No. 33 of the petitioner on 18th November, 2016 at about 9:30 pm. Other circumstance, as propounded by the prosecution, is that deceased was having illicit relations with the wife of petitioner which was the motive to commit murder of the deceased by petitioner. Further that brother of

deceased Haroon (PW4) as well as PW2 Gujjar Ramesh @ Bahadur have already been examined and have not supported the prosecution. PW4 Haroon has stated that no illicit relation was there between deceased and wife of petitioner. PW2 Gujjar Ramesh has categorically deposed that he had not seen the deceased with the petitioner.

Learned APP submits that CDRs of mobile phones of the deceased and petitioner show that they were together in the intervening of 18th and 19th November, 2016.

Learned senior counsel for the petitioner submits that petitioner and deceased were neighbours as is evident from the statement of PW4 Haroon, accordingly, there was nothing unusual if the location of their mobile phones was same. It is further contended that CDRs otherwise do not show that petitioner and deceased were in the same locality at about 9:57 pm on 18th November, 2016. Locations of both the mobile phones were, in fact, different. Petitioner is in custody for the last 19 months, therefore, may be released on bail.

Keeping in mind the facts and circumstances of this case, petitioner is admitted to bail subject to his furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial

court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JULY 03, 2018

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