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

+ **BAIL APPLN. 1201/2018**

AJAY KUMAR

..... Petitioner

Through

Mr. S P Kaushal, Mr. Ravinder
Mehandru & Mr. Dhananjay Kaushal,
Advts

versus

STATE (GOVERNMENT OF NCT OF DELHI) Respondents

Through

Ms. Neelam Sharma APP for State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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01.11.2018

Learned counsel for petitioner submits that as per the prosecution, petitioner is one of the co-conspirator. Pursuant to such conspiracy, late Bharat Singh is alleged to have been killed by the co-accused. Except the disclosure statement of co-accused(s), which has not led to any recovery from the petitioner, there is no other substantial evidence against the petitioner. Petitioner is in custody for the last more than three years. Petitioner has no past criminal record.

Learned APP submits that petitioner had conspired with co-accuseds in order to kill Bharat Singh. Pursuant to said conspiracy, Bharat Singh was shot dead. There were four eye-witnesses of the incident, out of which eye-witness Vipin Kumar has already been murdered. Petitioner had conspired with co-accused including accused Udaybir @ Kala on 2nd June, 2012 to commit murder of Bharat Singh. Udaybir @ Kala (since deceased) wanted to kill Bharat Singh in order to take revenge of killing of his father Surajmal and

brother Sukhbir in Palada Gaon, Sonipat, Haryana in the year 2002. In the year 2012 Kuldeep (younger brother of petitioner) along with co-accused had launched a murderous assault on Bharat Singh in respected of which FIR No.123/2012 was registered under sections 307/120B/34 IPC besides other sections of Arms Act at police station BHD Nagar, New Delhi. Since that day, petitioner was in regular touch with Udaybir and Hemant. On 29th March, 2015, Hemant called the petitioner on mobile and pursuant to the said call, petitioner went to house of co-accused Udaybir @ Kala. Accused Hemant also participated in the conspiracy to commit murder of Bharat Singh. Petitioner was assigned the role to call co-accused Chand. Accordingly, petitioner called Chand and took him to the house of co-accused Udaybir @ Kala. On the way, petitioner purchased cigarette from Sunder Panwari and at that time, co-accused Chand was with him. This fact has been confirmed by Sunder Panwari.

It is submitted that CDRs indicate that petitioner was in contact with co-accused Hemant and Chand.

Keeping in mind the totality of facts and circumstances of this case, as detailed above, petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms. Miscellaneous application is dispose of as infructuous. *Dasti*.

A.K. PATHAK, J

NOVEMBER 01, 2018/sm