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

+ **BAIL APPLN. 1732/2018**

RAJESH

..... Petitioner

Represented by: Mr. K.B. Andley, Sr. Advocate with
Mr. Anupam S. Sharma, Mr. Anurag
Andley and Mr. Prakash Airan,
Advocates.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP for State with
SI Karamvir, PS Narela.

+ **BAIL APPLN. 1733/2018**

PARMINDER @ PARME

..... Petitioner

Represented by: Mr. Shahid Azad and Ms. Meenu
Sharma, Advocates.

versus

STATE (GOVT.OF NCT OF DELHI)

..... Respondent

Represented by: Ms. Rajni Gupta, APP for State with
SI Karamvir, PS Narela.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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20.11.2018

1. By these petitions, petitioners seek bail in case FIR No.64/2015 under Section 302/34 IPC registered at PS Narela, Delhi.
2. Above noted FIR was registered on the complaint of Sandeep Kumar who is the sole eye witness and in his deposition before the Court he stated that on 16th January, 2015, around 9.30 to 10.00 PM he was present at his office at Plot No.1604, J.J. Colony, Pocket –A6, Sector -11, Narela. When

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he left his office on his scooty and reached the Janta Flats, he received a phone call from Naveen Kumar asking about his whereabouts to which he replied that he was in Sonapat. From Janta flats he took his scooty to his house and when he reached the main gate somebody slapped him from behind and on seeing he was Naveen @ Sunny standing behind him. Since Naveen had slapped him, scuffle ensued. In the meantime, brother of the complainant namely Jitender came near the main gate of the house. A car was parked 10-15 paces of the main gate of the house and after de-boarding Samunder fired at Jitender. On receiving the gun shot injury Jitender fell down at the gate of their house. Sandeep Kumar further deposed that while gunshot injury was given to his brother, Rajesh was saying the words "*apna purana badla le le*". After the incident Samunder and other accused ran away in the vehicle of Samunder, the person who has not been arrested till date.

3. Charge sheet inter alia for offence punishable under Section 302/34 IPC has been filed against the four accused namely Rajesh, Parmender @ Parme, the two petitioners herein, Samunder and Rahul. Admittedly Rahul was not named as the fifth accused in the FIR in question and thus he was granted bail. As regards Naveen is concerned, learned counsel for the petitioners submit that despite the fact that Naveen's role was greater than that of the petitioners, since he was the one who checked up the location of the complainant, he has been granted bail and on parity both the petitioners seek bail.

4. Even as per the case of the complainant, Naveen, Rajesh, Parmender and Samunder were in the same car. The role assigned to Naveen that he

had made a call in advance and when the complainant reached on his scooty at his residence Naveen slapped him, obviously for befooling him, there was no overt act attributed to Naveen. As regards the petitioners are concerned no overt act except exhortation to Rajesh has been attributed that too after the firing incident.

5. Considering the fact that the petitioners are in custody now for more than 3½ years, the main accused is yet to be arrested, and material witness has already been examined, this Court deems it fit to grant bail to the petitioners. It is, therefore, directed that the petitioners be released on bail on their furnishing a personal bond in the sum of ₹25,000/- each with one surety of the like amount each, subject to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further subject to the condition that the petitioners will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the learned Trial Court by way of an affidavit.

6. Petitions are disposed of.

7. Order dasti.


MUKTA GUPTA, J.

NOVEMBER 20, 2018
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