

\$~7

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

+ **BAIL APPLN. 2139/2018**

MOHIT SHARMA

..... Petitioner

Represented by: Mr. K.K. Manan, Senior Advocate
with Ms. Bhavya Chauhan, Ms.
Shivani Kant, Mr. Shashant Singh,
Mr. Shekhar Tandon and Ms. Rashi
Rampal, Advocates.

versus

STATE (THE NCT OF DELHI)

..... Respondent

Represented by: Ms. Rajni Gupta, APP with Insp.
Vinod Kumar, PS Rajender Nagar.
Mr. Nicy Paulson, Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.10.2018

%

1. By this petition, the petitioner seeks bail in case FIR No. 292 under Sections 302/392/397/411/120B/34 IPC registered at PS Rajinder Nagar.
2. The above noted FIR was registered when the wife of the deceased Tarun Bajaj reached home from her office, rang the bell and as nobody opened the door. She opened the door with duplicate key. On entering the house she found that her husband was lying in a naked condition in the bed room with multiple injuries on his body and soaked with blood. The doctor was called to examine the deceased who declared him dead.

BAIL APPLN. 2139/2018

page 1 of 3

3. The CCTV cameras installed in the vicinity i.e. in the fourth house from the house in question captured that the petitioner along with Suraj proceeded in the gali towards the house of the deceased and after some time he came back. While he was returning back the petitioner was wearing a different shirt/t-shirt which was identified by the complainant to be that of the deceased.

4. The investigating agency traced the petitioner through the CDR records of the deceased who was found to be in touch with Budhiya and Pooja. On interrogation Pooja revealed that Suraj was her husband who was accompanying the petitioner on the motorcycle. According to the prosecution the CCTV has captured the movement of the petitioner and Suraj in the gali towards the house of the deceased at the relevant time.

5. Learned counsel for the petitioner contends that there is no evidence to connect the petitioner with the offence committed as there is no evidence of last seen, alleged recovery of ₹30,000/- cannot be attributed to be from the place of occurrence nor the knife recovered has been connected with the offence committed.

6. A report has been received from the learned Trial Court. As per the report time is being taken for examination of Dr. Virender from FSL as PW-48. He appeared on 10th January, 2018 when a media player was arranged, however, that was not sufficient and thus Dr. Virender and Investigating Officer were directed to arrange the instruments properly. Thereafter on 7th February, 2018, 9th March, 2018, 6th April, 2018, 11th May, 2018, 2nd July, 2018, 18th July, 2018 and 20th August, 2018 Dr. Virender could not be examined as he was not available due to his preoccupation.

7. Finally when he appeared it was requested that he should arrange for a laptop to examine the case property DVR, laptop and one connector. The next date in trial before the learned Trial Court is 18th October, 2018 for examination the Dr. Virender, and the Investigating Officer has also been summoned to appear as a witness on the said date.
8. As the petitioner is in custody since 26th June, 2014 and as noted above nearly ten months have elapsed and PW-48 could not be examined, this Court directs the learned Trial Court to expedite the trial and conclude the same within four months from the next date of hearing before the learned Trial Court i.e. 18th October, 2018.
9. Petition is disposed of with liberty to the petitioner to file a fresh application for bail in case trial is not concluded within four months.
10. Copy of this order be conveyed to the learned Trial Court by the Registry.
11. Order dasti.

MUKTA GUPTA, J.

OCTOBER 10, 2018
‘yo’