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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPL. 2325/2018 and Crl.M.A.33468/2018

DHARAMPAL @ BABLOO @ JUGAD Petitioner
Through: Mr. Santosh Singh Bagga, Advocate

Versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Mr. Amit Ahlawat, APP for the State with
Ins. Sudhir Kumar, PS Chanakya Puri.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
04.10.2018

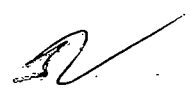
1. The petitioner is one of the several accused persons facing trial in Sessions Case No.121/2017 arising out of First Information Report (FIR) No.01/2017 of Police Station Chanakya Puri, involving offences punishable under Sections 302/324/323/34 of Indian Penal Code, 1860 (IPC) and Sections 25/27 of the Arms Act, 1959. The trial court, having framed the charge on the basis of evidence which has been presented with the report of investigation under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is presently in the midst of recording evidence for prosecution. It appears that the material witnesses, they being Sahil (PW-3) and Aman (PW-7) have already been examined. The petitioner had moved an

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application for release on bail before the trial court on the ground that the evidence which has been presented is replete with material contradictions taking which into account the trial would end in acquittal. The Additional Sessions Judge presiding over the trial, however, by order dated 13.07.2018 declined the said request for release on bail noting, inter alia, that the contradictions which were referred to would not result in the prosecution case being disbelieved. The petitioner has thereafter approached this court by application at hand seeking release on regular bail pointing out the said very contradictions.

2. The learned counsel for the petitioner has been heard at length. The record has been perused.

3. This court finds no error or infirmity in the order dated 13.07.2018 of the trial Judge. The contradictions which are sought to be pointed out, by themselves, actually do not make out a case to disbelieve the prosecution version, the evidence of the said witnesses being prima facie consistent with reference to complicity of the petitioner in the alleged crime. Pertinent to mention here that the evidence indicating that the petitioner had handed over the knife which was used in the crime to co-accused Veeru does support the case of the prosecution about he having shared the common intention. The injuries suffered by PW-7 may not have been mentioned formally at initial stage of investigation. But, this by itself would not mean that the evidence about his injuries is to be excluded. Whether or not the CCTV coverage was available at the scene of crime would be a question of fact that shall need to be addressed by the trial court. If CCTV cameras were actually covering the incident, nothing stops the petitioner or his co-accused from proving the

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same at the appropriate stage by producing the footage thereof in evidence. They would have the opportunity at the trial to prove, if any, such material exists.

4. No good grounds have been shown for release of the petitioner on bail at this stage.

5. The petition stands dismissed.

6. This disposes of the pending application as well.

R.K.GAUBA, J.

OCTOBER 04, 2018

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