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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2475/2018 & CrI.M.A. 34577/2018**

SH. SURENDER @ MONU Petitioner
Through: Mr. Pankaj Vivek & Mr. Bidyarami,
Advs.

versus

STATE Respondent
Through: Mr. Kewal Singh Ahuja, APP for the
State with Insp. Sheelwant Singh, PS
Mundka, Delhi.

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

ORDER
% **22.10.2018**

The petitioner was arrested during investigation of case FIR no. 107/2016 of police station Mundka involving offences punishable under Sections 302/120B/394/34 IPC on 15.04.2016. The investigation has resulted in he being sent up for trial, the trial before the court of sessions (in sessions case no. 57942/2016) being presently underway.

The status report submitted and the submissions of the learned additional public prosecutor indicate that the prosecution primarily rests its case against the petitioner on the basis of last seen evidence of Satbir Singh (PW-2), he being the sole witness to such circumstance and the recovery of purse and mobile phone of the deceased from the petitioner after his arrest and at his pointing out, the purse having been identified by Surender (PW-3), brother of the deceased.

As per the prosecution case, the motive for the crime was indicated in the statement of Ram Niwas (PW-5) another brother of the deceased, it

being relatable to some money that had been statedly borrowed by the petitioner from the deceased which he was not refunding. Strangely, during the court testimony of PW-5, no questions have been put by the prosecutor to the witness as to the motive or such monetary transaction. The material witnesses have already been examined, the remaining witnesses as per the submissions of the public prosecutor relate to the steps during investigation.

Having regard to the court testimonies of PW-2, PW-3 and PW-5, without expressing any opinion on merits, it seems just and proper to enlarge the petitioner on bail pending trial.

In the above facts and circumstances, where the trial is likely to take some time to conclude, the application is allowed. The prayer for release on bail is granted subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs. 20,000/- with one surety in like amount to the satisfaction of the trial court;
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court;
- (iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress;
- (iv). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
- (v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

- (vi). He shall not leave India without the prior permission of the trial court, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The director of prosecution shall look into the manner in which the prosecution has examined Ram Niwas (PW-5).

The bail petition and the pending application are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

OCTOBER 22, 2018

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