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

+ **BAIL APPLN. 2144/2017**

SANDEEP

..... Petitioner

Through : Mr.Ajay Kumar with Ms.Pallavi and
Mr.Rohit Arora, Advocates.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through : Mr.Ravi Nayak, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

12.03.2018

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1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No.1400/2014 under Section 302/323/34 IPC and Section 27 Arms Act registered at Police Station Shahabad Dairy. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner is in custody since 14.05.2016. Admittedly, the prosecution case is based upon circumstantial evidence only. Learned APP was specifically asked as to what circumstantial evidence exists against the present petitioner. He fairly admitted that the petitioner was arrested on the disclosure statement of the co-accused and reliance has been placed on certain call details

record between the prosecution witnesses and the deceased. He further admitted that the bullet recovered from the body of the deceased did not match with the weapons recovered in this case and sent to Forensic Science Laboratory for examination.

3. Since the only evidence relied upon by the prosecution at this stage is the disclosure statement of co-accused and no recovery, whatsoever, has been effected from the present petitioner, considering the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing personal bond in the sum of ₹50,000/-with one surety in the like amount to the satisfaction of the Trial Court subject to the condition that he will not contact the prosecution witnesses and shall not criminally intimidate them in any manner, whatsoever, he shall not leave the country without prior permission of the trial court.

4. The bail application stands disposed of.

S.P.GARG, J

MARCH 12, 2018 /sa