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

+ **BAIL APPLN. 2513/2019**

PARVEEN

..... Petitioner

Through: Mr Ravin Rao and Ms Aditi,
Advocates.

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State.
Inspector Mukesh Kumar, P.S.
Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.11.2019

CRL.M.A. 37427/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that he be released on bail till the conclusion of the trial in FIR No. 688/2015, under Sections 302/201/34 of the IPC, registered with Police Station Punjabi Bagh.
4. The learned counsel appearing for the petitioner states that all the material witnesses have been examined. He states that although the status report indicates that two witnesses (investigating officers) are required to be

examined; the same is not correct as the cross-examination of two police officials are yet to be completed.

5. He submits that the prosecution's case is premised on the fact the petitioner was last seen with the deceased. He states that although the status report indicates that the knife and blood-stained clothes worn by the co-accused has been recovered, however, the public witness who testified to the said effect had confirmed in his cross-examination that the accused was not present when such recovery was made. He submits that in view of the evidence obtaining so far, there is little possibility for the accused to be convicted.

6. At this stage, it would not be apposite to consider the testimonies of witnesses in any detail. The evidence obtaining in the case is required to be viewed as a whole to determine whether the alleged offence is established. However, it is seen that the petitioner has been in custody for over four years. It is also noticed that the petitioner was released on interim bail on two occasions and there is no allegation that he has misused his liberty.

7. Considering the totality of the circumstances including that all non-official witnesses for the prosecution have been examined, this Court is inclined to accept the petitioner's prayer.

8. Accordingly, it is directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹1,00,000/- and two sureties of equivalent amount to the satisfaction of the Trial Court. The petitioner shall also provide his mobile number and his contact details and ensure that he is reachable at all times. This is also subject to the further condition that the

petitioner shall not leave the National Capital Territory of Delhi and shall report to the concerned SHO at 10:30 A.M. on every Monday of the calendar week.

9. The present petition is allowed in the aforesaid terms.

10. Order *dasti* under signature of Court Master.

NOVEMBER 07, 2019
RK

VIBHU BAKHRU, J