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

% **Date of Decision: 16.12.2019**

+ **BAIL APPLN. 2864/2019**

SONU@DINESH@DHAKA Petitioner

Through: MR. M.P.Singh along with
Mr. Yatharth Sinha, Mr. Girik
Tolani and Mr. Bharat Misra,
Advocates.

versus

STATE (DELHI ADMINISTRATION)..... Respondent

Through: Mr. G.M.Farooqui,
APP for respondent/State.
Insp. Rajesh-R.P.Bhawan

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of a bail application filed on behalf of the petitioner Sonu@Dinesh@Dhaka under section 439 read with Section 482 Cr.P.C. in FIR No. 876/2017 u/s. 302/308/323/148/149/34 IPC, PS Ranhola.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated.

All the material witnesses and eye witnesses have already been examined and from the deposition of all the material/eye witnesses, nothing material has come out to connect the petitioner with the alleged offence. Petitioner has clean and clear antecedents and he is in JC since 05.04.2018. It is, therefore prayed that petitioner be released on bail.

3. Ld. APP for the State has opposed the bail petition on the ground that the allegations against the petitioner are serious in nature. It is further submitted that petitioner along with his associates had committed murder of deceased Chandresh Ram. Ld. APP, has therefore, prayed for dismissal of bail application.

4. I have considered the rival submissions. On the complaint of one Sh. Prabhaskar S/o late Chanderesh Ram, present FIR bearing no. 876/2017 was registered. In his complaint, the complainant has alleged that on 27.12.2017, Pappu @ Jaswant along with Deenu @ Dhakka, Deepak @ Pandit, Sandeep Pandit, Neeru, Mannu and Kalu were going towards their vehicle parked in a vacant plot in front of complainant's house after consuming alcohol. Complainant was standing in front of his house along with his neighbour. All the

accused persons started misbehaving with them and when they objected, all of them started beating them with baseball and wooden sticks. In the meantime, other family members of the complainant reached to the spot so as to save them but all the accused persons started beating his family members and Chandresh Ram received a fatal head injury. As per post mortem report, the cause of death was ‘Crenio cerebral damage consequent upon blunt force impact to the head, injury no. 1’, sufficient to cause death in ordinary course of nature. Accused Pappu @ Jawant was arrested on 28.12.2017 and weapon of offence i.e. wooden stick was recovered at his instance. Accused Sonu @ Dinesh @ Dhaka was arrested on 05.04.2018. NBWs were issued against co-accused Sandeep Sharawat, Neeru, Deepak Pandit, Sandeep Pandit, Deepa @ Deenu @ Dekka, Manjeet Dabas @ Kalu and process under Section 82 Cr.P.C. have been initiated against the six accused persons. The allegations levelled against the petitioner are serious in nature. Ld. Counsel for the petitioner has however argued that most of the material witnesses have been examined. This court is, however, of the opinion that at the time of deciding the bail application, the Court should not hold a

mini trial and analyse the evidence. Three witnesses of the alleged incident namely Sh. Deepa Chand, Smt Usha Devi and Smt Kismati Devi are yet to be examined. Perusal of their statement recorded under Section 161 Cr.P.C. reveals that they are the eye-witnesses of the incident.

5. Keeping in view the serious nature of the offence and the fact that three eye-witnesses are yet to be examined and at the stage of bail, the court cannot hold a mini trial and appreciate and analyse the evidence in detail which will be done by the Ld. Trial Court at the appropriate stage, no grounds for bail are made out at this stage. The bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

DECEMBER 16, 2019

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