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

+ **BAIL APPLN. 1014/2019**

JALEES AHMED

..... Petitioner

Through: Ms. Sugandha Anand and Mr.
Surinder Anand, Advs.

versus

STATE

..... Respondent

Through: Mr.Ashish Dutta, APP with Ins.
Surya Prakash, PS Kirti Nagar, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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27.05.2019

1. The present application has been filed by the petitioner under Section 439 read with Section 482 of the Code of Criminal procedure, 1973 (Cr.P.C.) for grant of regular bail in FIR No.293/2014, under Sections 302/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Kirti Nagar, New Delhi.
2. The case of the prosecution is that on 2.5.2014, an information regarding a dead body lying on the service road in front of A-85, Lakkad Mandi, Kirti nagar was received in Police Station Kirti Nagar, Delhi. On enquiry made by the police at the spot, the deceased was identified as Hari Shankar Sharma and there were bruises all over the body. Statement of an eyewitness, namely, Mahesh Kumar Yadav was recorded, who stated that the deceased was beaten up in the second floor of H. No.A-85, Lakkad Mandi by Nazarul Ali, Jalees Ahmad @

Lal Batti and Abdul Samad @ Guddu and was thrown on the road. That on the statement of Mahesh Kumar Yadav, the present case was registered vide the aforesaid FIR and the investigation was entrusted to Insp. S.M. Bahuguna. The post-mortem of the deceased was conducted at DDU Hospital and in the post-mortem report, the autopsy Surgeon has opined the cause of death as “haemorrhagic and neurogenic shock subsequent to the multiple blunt impacts made directly over the body surface of the deceased. All the injuries together are sufficient to cause death in ordinary course of nature.” During the course of investigation, statements of the other eyewitness were also recorded. Thereafter, accused Nazarul Ali was arrested on 3.5.2014. Weapon of offence, i.e. a wooden stick was also recovered at the instance of accused Nazarul Ali. The subsequent opinion was obtained from the autopsy Surgeon, who opined that “All the injuries on the body of the deceased could have been inflicted with the recovered wooden stick.” Another accused, namely, Abdul Samad was arrested in the present case on 18.7.2014. The accused Jalees Ahmad @ Lal Batti (petitioner herein) fled from the spot after the commission of the crime on 2.5.2014 and was on the run since then. It was revealed that the place where the deceased was beaten up, was taken by the petitioner on rent to run a workshop. As per the analysis of Call Detail Records (CDR) of his mobile cell phone bearing No.9718207732, it was also revealed that he was present at Lakkad Mandi, Kirti Nagar at the time of incident. NBW was issued against him on 30.7.2014 and process under Section 82 of the Cr.P.C. was also issued against him on 8.9.2014 and finally, he was arrested on

17.10.2014.

3. Learned counsel for the petitioner argued that the petitioner has been falsely implicated in the present case. Even otherwise, the case of the prosecution has not been supported by the prosecution witnesses. Learned counsel for the petitioner further submitted that the petitioner has been in the judicial custody since 17.10.2014.

4. On the other hand, learned APP for the State submitted that the only witness, i.e. the Investigating Officer, is required to be examined by the Trial Court and the said witness has already been partly examined by the Trial Court. Even otherwise, in view of the gravity of the offence no ground is made out to grant bail at this stage to the petitioner.

5. I have perused the record and observed that the petitioner had moved an application for bail before this Court which was dismissed as withdrawn on 5.12.2018. Thereafter, the petitioner again moved an application for the grant of bail which was also dismissed as withdrawn on 18.1.2019. Now, this is the third application which has been filed by the petitioner on 11.4.2019 within a span of almost five months. I do not find any change in the circumstances for filing the present bail application by the petitioner before this Court. Trial is at the fag end and the only witness, i.e. the Investigating Officer, is required to be examined.

6. Learned APP for the State has informed that the next date of hearing before the Trial Court is 3.6.2019 and the examination of the Investigating Officer is likely to be concluded within one or two dates of hearing.

7. Taking into consideration the gravity of the offence, the conduct of the petitioner in evading arrest and continuously moving bail applications and withdrawing the same, as discussed hereinabove, I do not find any ground for the grant of bail. Accordingly, the bail application of the petitioner is dismissed. However, the Trial Court is directed to expedite the proceedings in the matter and positively record the evidence of the Investigating Officer on 3.6.2019 and complete the trial expeditiously, preferably within six months.

CHANDER SHEKHAR, J

MAY 27, 2019/rk