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

+ BAIL APPLN. 1267/2019 and Crl. M.A. 10871/2019

SACHIN GUPTA

..... Petitioner

Through: Mr. R.M. Tufail, Mr. Equebal Nasir and
Ms. Ashta, Advocates

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP

+ BAIL APPLN. 1269/2019 and Crl. M.A. 10873/2019

GOVIND GUPTA @ GOVINDA

..... Petitioner

Through: Mr. R.M. Tufail, Mr. Equebal Nasir and
Ms. Ashta, Advocates

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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24.05.2019

Status report filed which is taken on the file of the first captioned petition, both having arisen out of the same case.

The two petitioners herein alongwith one Dipti @ Karan are facing trial on the charge for offence under Section 302 read with Section 34 IPC, on the basis of the evidence presented with the report (charge-sheet) under Section 173 of the Code of Criminal Procedure, 1973 upon conclusion of investigation into first information report no.32/2018 of police station Preet Vihar. The case is presently at the BAIL APPLN. 1267/2019 & 1269/2019

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stage of prosecution evidence, the first informant (eye witness) Deepak Kumar having already been examined (as PW-1). The incident is stated to have occurred on the premises of Kamal Dhaba with which both the petitioners and the said co-accused Dipti @ Karan are connected. It appears PW-1 and Pawan (deceased) had gone to the said establishment for taking food in the afternoon of 11.03.2018. It further appears that quarrel took place over quality of food which was served, Dipti @ Karan, at the counter, upon being questioned having felt infuriated, he statedly being joined by two petitioners, all the three being brothers. It is clear from the deposition of PW-1 that though all the three accused including the two petitioners had joined in roughing up Pawan and Deepak (PW-1), it is Dipti @ Karan who had gone ahead to bring a metallic ladle (*karchi*) which was used as a weapon to hit the deceased Pawan several times, its handle having got broken, the remaining portion having been forcefully inserted into the lower back portion of the body of Pawan, injury consequently caused having eventually resulted in death.

The role of the petitioners, *prima facie*, is materially distinct from the one attributed to co-accused Dipti @ Karan. In the above facts and circumstances, without expressing any opinion on the charge which is brought against the petitioners, the petitions are allowed. The case for release of the petitioners on bail is made out. Granted accordingly, subject to the following conditions:-

- (i). The petitioners shall furnish personal bond in the sum of Rs.25,000/- each with one surety in like amount to the satisfaction of
- BAIL APPLN. 1267/2019 & 1269/2019

the trial court.

(ii). Prior to their release, they shall give the telephone numbers of themselves and of at least one other responsible family member besides that of the surety to the trial court.

(iii). They 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). They shall not engage in any criminal activity;

(v). They 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). They shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit their passport, if they hold one, with the said court.

The bail applications and the applications filed therewith 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 the Court Master.


R.K.GAUBA, J

MAY 24, 2019

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