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

% **Date of Decision: 10.12.2019**

+ **BAIL APPLN. 2324/2019 & Crl. M.A.36025/19**

CHARAT SINGH Petitioner

Through: Ms. Isha Khanna &
Mr.Roshan Lal, Advocates

versus

THE STATE OF DELHI Respondent

Through: Mr. G.M.Farooqui,
Additional Public Prosecutor
for respondent/State
Mr. Sanjiv Kumar, Advocate
for Mr.Gaurav Kochar,
Advocate for complainant

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 an anticipatory bail application filed on behalf of the petitioner Charat Singh under section 438 Cr.P.C. in FIR No. 216/2019 u/s. 307/302/34 IPC & Section 27/54/59 Arms Act, PS Sonia Vihar.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail

on the ground that petitioner is innocent and has been falsely implicated. At the time of alleged offence, petitioner was in a Restaurant namely Bikaner, Connaught Place, New Delhi from 5.07 p.m. to 7.10 p.m. which is clear from CCTV footage. The petitioner is ready to join the investigation as and when required and in these circumstances, it is prayed that petitioner be released on anticipatory bail.

3. Ld. Counsel for the petitioner, in support of its submissions, has relied on **Abhishek Chetal v. Central Bureau of Investigation and Ors., CRL(M) No. 44010 of 2016(O&M)** of Punjab and Haryana High Court.

4. Ld. APP for the State has opposed the anticipatory bail petition on the ground that the allegations against the petitioner are serious in nature. It is further submitted that co-accused Bharat Singh (brother of petitioner) has been arrested in this case on 23.11.2019 and he has disclosed that he and the petitioner hatched the conspiracy to kill Baburam. It is further submitted that it was petitioner Chatar Singh who shot two rounds bullet on deceased Baburam. The photograph of the petitioner has been given to FSL

to match the same with the CCTV footage obtained from Bikanerwala Sweets, Connaught Place, Delhi. Petitioner is not joining the investigation. Proceedings under Section 82 Cr.P.C. has been issued against him and proclamation has been done on 08.10.2019. It is further submitted that several FIRs are pending against the petitioner. Ld. APP, has therefore, prayed for dismissal of the anticipatory bail application.

5. I have considered the rival submissions. I have gone through the case law relied upon by the Learned Counsel for the petitioner titled “**Abhishek Chetal v. Central Bureau of Investigation and Ors., CRL(M) No. 44010 of 2016(O&M)**”. However, the same is distinguishable on the basis of facts and circumstances stated therein.

6. The allegations levelled against the petitioner are serious in nature. Petitioner has not joined the investigation and his custodial interrogation is required to unearth the conspiracy behind the murder and recovery of weapon of offence. So far as presence of petitioner at Bikanerwala is concerned, the footage has been sent to FSL and the said fact which is in the form of alibi cannot be decided

at this stage. It is a settled law that no mini trial can be conducted at the stage of bail. The FSL report is yet awaited. In these circumstances, the anticipatory bail petition along with other application is dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

DECEMBER 10, 2019

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