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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 616/2020**

VIJAY LAMBA

..... Petitioner

Through: Mr. Ashok Aggarwal and Ms. Namita
Wali, Advocates.

Versus

STATE

..... Respondent

Through: Dr. M.P. Singh, APP for State.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
30.07.2020

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CRL. M.A. 8764/2020

1. For the reasons explained in the application, the hearing of the bail application is preponed for today. Date already fixed in the bail application stands cancelled.
2. Application is disposed of.

BAIL APPLN. 616/2020

1. The present application has been filed under Section 439 Cr.P.C. seeking interim bail in FIR No. 160/2011 registered under Sections 302/396/397/411/120B/34 IPC and Sections 25/27 of the Arms Act at P.S. New Usmanpur.
2. Mr. Ashok Aggarwal, learned counsel for the petitioner submits that all the material witnesses including the witness-*Deepak Verma* have been

examined. He submits that the prosecution has cited 47 witnesses and so far only 26 witnesses have been examined. He further submits that earlier, the co-accused have been released on bail. He lastly submits that on account of the disruption caused by COVID-19, no progress could be made in the trial during the last six months.

3. Dr. M.P. Singh, learned APP for the State, on the other hand, has vehemently opposed the bail application. It is submitted that the petitioner's bail applications have earlier been dismissed vide orders dated 07.11.2017, 12.07.2018 and 26.09.2019. He further submits that all the contentions raised today by the learned counsel for the petitioner have already been considered by the Court on the previous occasions and since then, there is no change in the circumstance. He has referred to the Status Report to submit that the petitioner is involved in as many as 47 cases registered under various sections including theft, robbery, attempt to murder etc. and the present case is registered for the offence of murder.

4. It is noted that this Court vide a detailed order dated 26.09.2019 has considered the submissions advanced on behalf of the petitioner and dismissed the bail application. It was noted that though the petitioner refused to join the TIP proceedings but *Deepak Verma*, the son of the deceased, appeared as PW-2 and identified the petitioner as the person who had fired the first gun shot on his father. Only three years later, when the witness was recalled for further cross examination, he turned hostile. At the instance of the petitioner, a country made pistol along with two live cartridges were recovered. Further, a black coloured robbed bag containing one gold ring, one silver ring having white stone on it, one pair of anklets of silver, one membership card of the deceased and visiting cards of the jewellery shop

were also recovered from the house of the petitioner.

5. On the last date of hearing, on the oral request of the learned counsel for the petitioner to treat the present application for interim bail as well, a Status Report was called from the concerned Jail Superintendent with respect to the measures taken in the jail on account of COVID-19. A Status Report dated 28.07.2020 has been filed, according to which, all the preventive measures including social distancing, wearing of masks, use of hand sanitizers etc. are being taken. Further, the inmates are being regularly screened by the medical staff of the jail on regular basis.

6. In view of the above discussions, I find no ground to admit the petitioner either on bail or interim bail. The bail application is dismissed accordingly.

MANOJ KUMAR OHRI, J

JULY 30, 2020

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