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

+ **BAIL APPLN. 613/2020**

VARUN SHARMA @ ILLU

..... Petitioner

Through: Mr Pulkit Tyagi and Mr Sanju Gupta,
Advocates.

versus

THE STATE

..... Respondent

Through: Ms Meenakshi Chauhan, APP for
State.
SI Manoj Kumar, PS Sarai Rohilla.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.03.2020

1. The petitioner has filed the present petition, *inter alia*, praying for bail in connection with FIR No. 0140/2018 under Sections 307/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959 registered with PS Sarai Rohilla.
2. The said FIR was registered at the instance of one Sh. Aman Morya. He stated that he along with two of his friends, Gourav and Charanjit Singh @ Chand, were present at the house of their friend named Jassu. He stated that one Ashish Mittal had called Jassu on the mobile phone and had made inquiries regarding Charanjit Singh @ Chand, but Jassu did not inform the said caller (Ashish Mittal) about his whereabouts.
3. Ashish Mittal once again called Jassu and had told him that he was

standing outside his house. Thereafter, Jassu went outside the house and after some time, all of them came into the house of Jassu. This included Ashish Mittal, one Rohit Mundra and the petitioner. It is alleged that Rohit Mundra asked Charanjit Singh as to why he was messaging and in response, Charanjit Singh told him that he did not have any phone and he did not send any message.

4. It is alleged that at that stage, Rohit Mundra took out a pistol and fired upon Charanjit Singh but the bullet did not hit him. Thereafter, Rohit Mundra fired again but this time the bullet hit the face of Charanjit Singh and continues to be lodged below his teeth. It is alleged that thereafter, Rohit Mundra also gave another blow on the head of Charanjit Singh with the pistol and all the three persons, namely, Rohit Mundra, Ashish Mittal and the petitioner fled on a red coloured scooty.

5. The learned counsel appearing for the petitioner states that the petitioner has been falsely implicated and had no role played in the incident.

6. Ms Chauhan, learned APP states that all the three assailants, namely, the petitioner, Ashish Mittal and Rohit Mundra had entered Jassu's house together and had also fled together. She submits that the circumstances clearly indicate that all of them had arrived at the Jassu's house to give effect to their intention of killing Charanjit Singh. She submits that since the charges against three accused are serious, the present petition seeking bail should be denied.

7. The petitioner was arrested on 11.05.2018 and has been in custody for almost two years. This Court is also informed that out of eighteen witnesses,

two witnesses including the victim have already been examined.

8. This Court is of the *prima facie* view that the role attributed to the petitioner is different from the alleged role of Rohit Mundra or Ashish Mittal. Ashish Mittal had allegedly called Jassu on his phone searching for Charanjit Singh and Rohit Mundra is alleged to have inflicted the injuries.

9. Since the petitioner has been in custody for almost two years and considering the circumstances of the case, this Court considers it apposite to allow the present petition.

10. The petitioner is directed to be released on bail on his furnishing a personal bond in the sum of ₹20,000/- with two sureties (one of which would be a family member of the petitioner) of an equivalent amount to the satisfaction of the concerned Trial Court. This is also subject to the following further conditions:

- (1) The petitioner shall not contact or try to influence, either directly or indirectly, any of the witnesses.
- (2) The petitioner shall mark his presence at the concerned police station (PS Sarai Rohilla) on the first Monday of each calendar month.
- (3) The petitioner shall not leave the National Capital Territory of Delhi without permission of the Trial Court.
- (4) The petitioner shall continue to be present on all hearings before the Trial Court.

11. The petition is allowed in the aforesaid terms.
12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MARCH 11, 2020
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