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

+ **Bail Appl.no. 872/2020.**

ABHISHEK BHARDWAJ

..... Petitioner

Through: Ms. Archana Sharma,
Advocate.

Versus

STATE

..... Respondent

Through Mr. G.M. Farooqui,
Ld. APP for the State.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER
18.05.2020

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BRIJESH SETHI, J.

The hearing has been conducted through video conferencing.

CRL.M.B. 872/2020.

1. This is an application for grant of regular bail filed under Section 439 Cr.P.C. by the petitioner Abhishek Bhardwaj in case FIR bearing no. 1763/2015, u/S. 302/201 IPC registered at PS Rajouri Garden.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated in the present case. Petitioner is in JC since 21.11.2015. There are material contradictions in the statement of witnesses. So far as no

evidence has come on record to show involvement of petitioner in the present case. As per statement of Aashish Kalan, Sales Executive, Khajana Jewellers, petitioner was present in the shop at the time of commission of offence. It is, therefore, prayed that petitioner be released on bail in the interest of justice.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. Sufficient evidence has come on record which clearly indicates that petitioner has committed murder of deceased Deepanshu. Weapon of offence was also recovered at the instance of petitioner. Ld. APP has, therefore, prayed for dismissal of the bail application.

4. I have considered the rival submissions. As per prosecution version, at the instance of petitioner one Samsung Mobile Phone of deceased, one Blood Stained Cricket bat, Blood Stained Hammer and match Box were recovered. Blood on weapon of offence i.e. Hammer and Cricket bat also matched with the blood of the deceased. Ld. Counsel for the petitioner has pointed out certain contradictions in the prosecution version. It is stated that as per the prosecution version itself, the petitioner was not present at the place of offence. However, it is a settled law that at the stage of bail, the evidence of the prosecution is not to be discussed, examined or analyzed in detail i.e. mini trial cannot be conducted while deciding the bail application.

5. The allegations against the petitioner are serious in nature. He is stated to have committed murder of Deepanshu, brother of his

would be wife. In view of facts appearing on record and keeping in mind the nature and gravity of offence, this court finds no ground to grant bail to the petitioner. The bail application filed by the petitioner is, therefore, dismissed and stands disposed of accordingly.

6. A copy of this order be uploaded on the website of this court forthwith.

BRIJESH SETHI, J

MAY 18, 2020
(AK)

