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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1206/2020**

KARAN @ JUGNU Petitioner
Through: Mr. Jitendra Kumar Jha, Advocate.

Versus

STATE Respondent
Through: Ms. Radhika Kolluru, APP for State.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
% **01.07.2020**

1. The present bail application has been filed under Section 439 Cr.P.C. seeking regular bail in FIR No. 710/2019 under Sections 323/365/302/34 IPC registered at P.S. Bhalswa Dairy.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. He submits that though the incident had occurred on 08.12.2019, the FIR came to be registered only on 13.12.2019. He thus contended that there is a delay in registration of the FIR. He has referred in detail to the statements of Sh. Lalman, father of the deceased as well as Sh. Inderpal and Ms. Kajal@ Rajeshwari, the cousin and sister of the deceased respectively. Learned counsel submits that there are inherent inconsistencies between the three statements. He has also stated that no specific role of the petitioner has been stated in the charge-sheet. It is

also submitted that no weapon has been used in the allegations levelled by the complainant.

3. Ms. Radhika Kolluru, learned APP for the State, on the other hand, has vehemently opposed the bail application. She submits that the incident had taken place on 08.12.2019 whereafter the deceased was taken to BJRM Hospital. It is submitted that MLC bearing No. 181300/19 dated 08.12.2019 was prepared at BJRM Hospital where the deceased was declared 'brought dead'. The post-mortem was conducted on the next day i.e., 09.12.2019. It is submitted that the FIR was recorded on the statement of Dharmender, who is an eye-witness. She also submits that besides Dharmender, Rizwan and Himanshu are the other eye witnesses and all of them have stated about the incident of assault that took place on 08.12.2019. She further submits that initially DD 42-A was registered which subsequently was converted into the present FIR on 13.12.2019. It is also submitted that the case is yet to be committed and the delay as such has occurred on account of the pandemic situation due to COVID-19. She has also referred to the statements of the other eye witnesses namely Himanshu and Rizwan.

4. In rebuttal, learned counsel for the petitioner submits that the statements of other two eye witnesses were recorded subsequently and much later on 26.02.2020.

5. Keeping in view the totality of the facts and circumstances of the case and the fact that the three eye witnesses have stated in tandem about the incident and out of them, the statement of Dharmender was recorded on 13.12.2019 which has resulted in registration of the present FIR and also keeping in view the stage of the case, I am not inclined to admit the petitioner on bail at this stage.

6. The application is dismissed.

JULY 01, 2020
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MANOJ KUMAR OHRI, J