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

+ **BAIL APPLN. 2134/2020**

ASHOK KUMAR @ BICHWA

..... Petitioner

Represented by: Mr.Omkar Kushwaha, Advocate with
Mr.Pankaj Mohan, Mr.Abhishek
Pratap Singh and Mr.Akash Kumar,
Advocates

versus

STATE NCT OF DELHI

..... Respondent

Represented by: Ms.Meenakshi Chauhan, APP for
State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
24.08.2020

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The hearing has been conducted through Video Conferencing.

1. By this petition, the petitioner seeks regular bail in case FIR No. 425/2019 under Sections 307/385/120B IPC & 25/27 of the Arms Act registered at P.S. Karol Bagh.
2. The above-noted FIR was registered on the complaint of one Jugal Kishore who stated that he was doing the work of construction of the buildings in the area. Around 6-7 years ago, he got constructed a building from the real uncle namely Sohan Lal of Mahesh @ Mannu who was then residing at House No. 4411, Gali No. 56, Regarpura, Karol Bagh. The said building was constructed on contract basis by the complainant and since Mahesh @ Mannu was the nephew of Sohan Lal, the complainant got to know Mahesh @ Mannu also. It is the case of the complainant that on 26th

November, 2019, he received a Whatsapp call from the mobile number 9205811715 on his mobile at 10.20 PM, 10.26 PM, 10.28 PM & 10.42 PM. Though the number was not known, but he could hear the voice of Mahesh @ Mannu from the other side. Mahesh @ Mannu asked the complainant to give a sum of Rs. 50,000/- but the complainant stated that he had no money. On the next day i.e. 27th November, 2019, the complainant again received similar calls at 11.37 AM, 11.41 AM & 9.50 PM. Mahesh @ Mannu further threatened the complainant that if he didn't pay the money, he could get him killed. It is further alleged that on 28th November, 2019, Mahesh @ Mannu got opened three rounds of fire at his house out of which, two rounds hit the door which opened towards Ganga Mandir Marg and the third round hit the wall above the door leaving behind marks. It is also alleged that Mahesh @ Mannu got opened fires through his agents to extort the money as Mahesh @ Mannu was inside the jail.

3. Petitioner is the brother-in-law of the complainant. The CCTV footage of the area was collected, however, in the said CCTV footage, there is no material to show that the petitioner ever came near the place of incident. The petitioner has been implicated in the present case on the basis of the disclosure statement of Mahesh @ Mannu, who stated that the petitioner provided him with the *Katta* and that since the accused was unknown to the complainant, the petitioner showed the residence of the complainant. The only recovery alleged from the petitioner is that when the petitioner was sought to be arrested in the present case on 18th June, 2020 after more than six months of the incident, in between the cover and mobile phone of the petitioner, there was a slip recovered which had telephone

numbers including the phone number of Mahesh @ Mannu and other co-accused.

4. Learned counsel for the petitioner submits that the petitioner has only one other involvement under Section 323 IPC and has no role whatsoever to play in the present case. The specimen handwriting of the petitioner has already been taken and the admitted handwriting is being sought.

5. Considering the nature of material against the petitioner and even as per the disclosure statement, the petitioner showed the residence of the victim which has not been captured in the CCTV footages and the recovery of the alleged slip of paper has been attributed after more than six months of the registration of FIR, this Court deems it fit to grant bail to the petitioner.

6. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further subject to the condition that the petitioner and his surety will furnish their mobile numbers to the Court concerned as also the SHO concerned, which will be kept in active mode during the pendency of the trial so that as and when required, the petitioner can be contacted.

7. Petition is disposed of.

8. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 24, 2020

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