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

+ **BAIL APPLN. 1206/2019**

DEEPAK

..... Petitioner

Through Mr.Rajesh Arora and Mr.Ashutoshy
Kr. Jha, Advs.

versus

STATE

..... Respondent

Through Mr.Amit Chadha, APP for State with
SI Sandeep Maan and Insp. Pradeep
Kumar, PS Ambedkar Nagar, Delhi

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **10.02.2020**

The present bail application has been filed by petitioner for grant of bail under section 439 Cr.P.C. read with 482 Cr.P.C. in case FIR No. 110/2018, registered for offences punishable under Sections 302/201/34 IPC at Police Station Ambedkar Nagar, Delhi.

As per prosecution case, a person namely Bunty made a statement to police that on 02.03.2018 at around 3:30 p.m. he along with his brother namely Sonu were going to Sanjay camp for fetching food. The accused persons namely Aman, Naveen, Bhim, Shindhu, Annu and Patanga (the petitioner herein) suddenly stopped their scooty on the way. However, said Bunty ran away from their hands and while he was running, he turned back and saw accused Aman and Naveen continuously attacking on Sonu by knife. Sonu sustained severe injuries which resulted into his death. On his statement, the aforesaid FIR was registered.

The case of the petitioner is that the aforesaid FIR was registered on the basis of alleged statement made by Bunty for the incident alleged to have taken place on the festival of Holi on 02.03.2018. Petitioner is called out by the name of Deepak for the reasons best known to the IO with ulterior motive wherein alias Patanga has been added after his name. The petitioner has never been known or ever been called as Patanga in any manner against whom the present FIR was registered. Neither any document on record shows that the petition was ever known by the name of Deepak @ Patanga.

Learned counsel for the petitioner submitted that all the material witnesses pertaining to alleged incident have already been examined and remaining witnesses are just formal witnesses causing no adverse prejudicial affects upon the veracity of the trial and furthermore, nothing incriminating has come on record manifesting the involvement of the petitioner to the alleged incident. The petitioner is in judicial custody since 04.03.2018 serving no purpose and means to remain further behind the bars.

Learned APP submitted that the accused persons caused 21 grievous injuries to Sonu (the deceased) due to which he succumbed to the injuries and died on the same day. The petitioner is known as Deepak @ Patanga which is evident from FIR No.1230/2015 wherein petitioner was released on bail vide order dated 14.01.2016 therein his name is mentioned as Deepak @ Patanga.

In view of the above, I find no substance in the submission of the counsel for the petitioner that the petitioner is not known by the name of Patanga. Moreover, the trial is at the fag end. Though material witnesses have already been examined and no public witness has been declared hostile, I am not inclined to grant bail to petitioner.

Accordingly, the bail application is dismissed.

SURESH KUMAR KAIT, J

FEBRUARY 10, 2020/rk