

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

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Reserved on : 02.12.2019

Pronounced on : 09.01.2020

+ **BAIL APPLN. 2403/2019 & CRL.MA 39840/2019**

MANJOT SINGH

..... Petitioner

Through: Mr. Siddharth Bhatnagar, Sr. Adv.
with Ms. Malvika Trivedi, Mr. Nipun
Katyal, Mr. Aditya Sidhra and Ms.
Shivani Garg, Advs.

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State.
Insp. Virender Dalal, SI Deepak
Tanwar-P.S.Malviya Nagar.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

1. This is an application filed under Section 439 Cr.P.C for grant of bail to the petitioner in case FIR No.30/2018 U/s 302/201/120B IPC and 25/27 of Arms Act registered at Police Station-Malviya Nagar.

2. It is argued by the Ld. counsel for the petitioner that the petitioner is innocent and he has been falsely implicated in the present case. He further argued that the petitioner is in J.C. since 15.03.2018 and nothing was recovered from him. He further submitted that the charge sheet in the

present case has already been filed and there is no allegation against the petitioner that he had killed the deceased. He further submitted that the name of the petitioner has come in the disclosure statements of the co-accused which cannot be trusted. He further submitted that there is no direct evidence against the petitioner and there is only a presumption against him that he has committed such criminal acts as stated in the FIR. He further submitted that the petitioner is facing baseless allegations and has never had criminal antecedents. He further submitted that the role of the petitioner is nowhere mentioned in the FIR. He further submitted that the allegations are based purely on documentary evidence which are under the custody of the prosecution so there is no possibility of tampering with the evidence. He further submitted that three public witnesses have already been examined who have turned hostile and nothing has come against the petitioner.

3. On the other hand, while opposing the bail application, it is submitted by the Ld. APP for the state that the allegations against the petitioner are grave and serious in nature. He further submitted that the petitioner is the mastermind of the case and it was the petitioner who hatched the conspiracy for the murder of the deceased Sanjay Chawla. He further submitted that petitioner is the sole beneficiary of the money of the deceased Sanjay Chawla. He further submitted that there are call detail records showing the conversation between the petitioner and other co-accused persons. He further submitted that evidence in the present case is still in progress and out of 38 prosecution witnesses only 3 witnesses have been examined and detailed analysis of the evidence of the prosecution witnesses cannot be

done at this stage.

4. In the instant case, the allegations against the petitioner are grave and serious in nature. As per the allegations he hatched the conspiracy to kill the deceased in pursuance to which he had conversation with his cousin/co-accused Rajender @ Vicky, Rohit @ Thakur and Rajender @ Kale. In pursuance to the conspiracy, the said persons hired Dinesh @ Chandan and JCL Harish to commit the murder. It is further alleged that in pursuance to the said conspiracy, both accused Dinesh @ Chandan and JCL Harish inflicted stab injury on the person of deceased Sanjay Chawla on 08.02.2014. Later on during the investigation accused Dinesh @ Chandan was arrested on 14.03.2018 and petitioner and co-accused Rohit @ Thakur were arrested on 15.03.2018. The mobile locations of accused persons were also found in the same area. It is also the case of the prosecution that for the purpose of murder, the petitioner had given Rs. 50,000/- in advance to co-accused Rajender @ Vicky, Rs. 1.0 Lakh in front of Max hospital to co-accused Rajender @ Vicky and Rohit, Rs. 50,000/- near Select City Walk on 09.02.2018 and Rs. 2.0 Lacs to co-accused Rajender and Rohit near Bangla Saheb.

5. As far as the contention of the Ld. counsel for the petitioner that three public witnesses have already been examined and they have turned hostile, in my opinion, the testimonies of these witnesses cannot be discarded in toto and moreover, the remaining prosecution witnesses are yet to be examined and detailed analysis of evidence of the prosecution witnesses cannot be done at this stage, as it might prejudice the case of either of the parties.

6. During the course of the arguments, it is submitted by the Ld. APP for the state that PW 2 Suraj Prakash got recovered two registers from the locker of the deceased which contains the name of the petitioner to whom loan has been advanced. On the contrary, it is argued by the Ld. counsel for the petitioner that those are rough registers and no reliance can be placed upon them. I do not agree with this contention of the Ld. counsel for the petitioner because even if the registers are rough registers, the name of the petitioner appears in those registers and what evidentiary value is to be given to those registers and the mention of the name of the petitioner in those registers cannot be decided at this stage, as the prosecution evidence is still in progress and no opinion in this regard can be given because it might prejudice the case of either of the parties.

7. Ld. counsel for the petitioner has relied upon Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Ors. (2011) 1 SCC 694, Sharad Kumar & Ors. Vs. CBI (2011) 126 DRJ 525, Sanjay Chandra Vs. CBI (2012) 1 SCC 40, Kalyan Chandra Sarkar Vs. Rajesh Ranjan (2004) 7 SCC 528. There is no dispute with regard to the propositions of law laid down in the said judgments but it is also settled that each case has to be decided on its own peculiar facts and circumstances and with due regards, the judgments relied upon by the Ld. counsel for the petitioners are not applicable to the facts of the present case.

8. As per the allegations, the petitioner had borrowed about Rs. 52 Lakhs on interest from deceased Sanjay Chawla and when deceased demanded his money back, the petitioner hatched the conspiracy of his murder in pursuance to which deceased Sanjay Chawla was murdered.

Therefore, looking into the gravity and severity of the offence, I am not inclined to grant bail to the petitioner. The bail application is, therefore, dismissed and Crl. M.A. 39840/2019 is also disposed of accordingly.

9. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of the case.

RAJNISH BHATNAGAR, J

JANUARY 09, 2020

Sumant

