

(VIA VIDEO-CONFERENCING)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on : 07.07.2021

%

Pronounced on : 22.07.2021

+ BAIL APPLN. 600/2021

ARMAN @ KALLU @ CHIKARA

.....Petitioner

Through: Mr. Mitthan Lal, Mr. Saurabh and
Mr. Vipin Gupta, Advocates.

Versus

THE STATE GOVT. OF NCT

..... Respondent

Through: Ms. Rajni Gupta, APP for the State
with Insp. Satender Tomar, P.S.
Welcome.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner seeking interim bail for a period of 45 days in case FIR No. 14/2019 under Sections 302/147/148/120B/34 IPC and Section 25/27 Arms Act registered at P.S. Welcome, Delhi.

BAIL APPLN. 600/2021

Page 1 of 4

2. Briefly stated, the present case was registered on the basis of the statement of one Roshan Aara (wife of deceased) who as per the case of the prosecution is the alleged eye witness of the case. The complainant in her statement alleged that on 11/01/2019, she along with her husband namely Mahfooz went to Welcome Kabristan Delhi, to read Fatiya (Prayer) on the graveyard of her daughter Aaliya. At about 1:00 p.m. when she was sitting near the graveyard of her daughter Aaliya in Welcome Kabristan, in the meantime Salim, Shehjad @ Buraiya, Riyajuddin @ Billi, alongwith 2/3 other persons came there. Salim, Shehjad @ Buraiya, Riyajuddin @ Billi, were having fire arms. Ajeem's wife Hina was also present near the gate and she was instigating the accused persons that "Aaj ise nahi chodna khatam kar ke jana". The complainant further alleged that Salim, Shehjad @ Buraiya, Riyajuddin @ Billi alongwith 2/3 other persons shot her husband by deadly weapons (firearm) and all the accused ran away from the spot. With the help of the other people she took her husband to Jag Pravesh Hospital, Delhi where the doctor declared him dead.

3. The investigation was taken up. On 12.01.2019, complainant Roshan Aara (eye witness) joined the investigation and she further stated that in the murder of her husband, Arman @ Kallu @ Chikara (present petitioner) alongwith his other associates was also involved. IO recorded the supplementary statement of complainant U/s 161 Cr.P.C. On 13.01.2019, the present petitioner was arrested on the identification of the complainant.

4. I have heard the Ld. counsel for the petitioner, Ld. APP for the State and also perused the records of the case.

5. It is submitted by the Ld. counsel for the petitioner that the petitioner has old widow mother to take care. It is further submitted that the name of the petitioner is not in the FIR and he has been arrested after 2 days of the incident. It is further submitted that no specific role has been assigned to the petitioner and he has not been arrested from the spot. It is further submitted by the Ld. counsel for the petitioner that father of the petitioner is seriously ill and was admitted in the LNJP hospital on the alleged date.

6. One of the ground raised for the release on interim bail by the petitioner is that the case of the petitioner falls in clause (xii) of the HPC recommendations dated 11.05.2021. It is submitted by the counsel for the petitioner that the petitioner is in J.C. since more than 12 years and is not involved in any other case which is evident from the trial court record.

7. The relevant clause (xii) of HPC recommendations dated 11.05.2021 reads as follows :

“(xii) Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are **in jail for more than two years** with no involvement in **any other case;**”

8. Since, the case of the petitioner falls within the four corners of this criteria, the application is allowed and the petitioner is directed to be released on interim bail for a period of 45 days from the date of his release on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Jail Supdt./concerned trial Court. The petitioner shall surrender before the Jail Supdt. after the

expiry of the period of his interim bail. The application is disposed of accordingly.

RAJNISH BHATNAGAR, J

JULY 22, 2021

Sumant

