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

% ***Date of decision: 05.07.2021***

+ **BAIL APPLN. 2221/2021 & CRL.M.A. 9734/2021**

IMRAN

..... Petitioner

Through: Mr. Abdul Gaffar, Advocate

Versus

NCT DELHI STATE

..... Respondent

Through: Mr. Rajat Nair & Mr. Amit Mahajan,
Special Public Prosecutors with
Mr. Shantnu Sharma & Mr. Dhruv
Pande, Advocates & Inspector Vikas
Rana

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

JUDGMENT (oral)

The hearing has been conducted through video conferencing.

1. The present petition has been preferred by the petitioner seeking bail in FIR No. 119/2020, under Sections 147/148/149/302/153A/505/120B/ 34 IPC, registered at police station Khajuri Khas, New Delhi. Petitioner is behind bars since 20.03.2020 in this FIR case.

2. Notice issued.

3. Mr. Rajat Nair, learned Special Public Prosecutor for respondent No.1/State accepts notice.

BAIL APPLN. 2221/2021

Page 1 of 4

4. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case and there is no electronic evidence like CCTV footage or mobile location record to establish his presence at the crime spot. The investigation in this case is complete and charge sheet has already been filed. Learned counsel also submits that the petitioner has been arrested in this case on the basis of statement of two official eye witnesses i.e. Constable Anil and Constable Bhupinder, who are planted witnesses and have named 12 accused persons, including that of petitioner. It is next submitted that out of 12 accused persons, 07 accused persons (*Rizwan, Israr, Tayyab, Maruaf, Shamim @Lala, Adil, Ashok*) have been granted bail by the learned trial court and 04 accused (*Zubair, Iqbal, Dharmendera Giri and Shhabuddine*) have been granted bail by this Court.

5. Learned counsel for petitioner also submits that the role attributed to petitioner is similar to the one assigned to accused- *Jubair @ Zubair and Iqbal* who have been granted bail by this Court and, therefore, petitioner also deserves to be released on bail.

6. On the contrary, the present petition is opposed by learned Special Public Prosecutor for respondent/State while drawing attention of this Court to the statement of another eye witness *Sandeep Kumar* recorded under

Section 161 Cr.P.C. , wherein he has named four accused persons and name of petitioner appears at serial No.4, as mentioned by him.

7. Upon hearing counsel representing both the sides and perusal of material placed on record, I find that 11 accused persons have already been granted bail and the learned Special Public Prosecutor is unable to distinguish the role assigned to petitioner in this FIR case. Pertinently, charge sheet has already been filed and trial is in progress, which will take substantial time.

8. In the light of afore-noted facts, I am of the view that petitioner deserves to be released on bail.

9. Accordingly, without commenting on the merits of the case, petitioner is directed to be released on bail forthwith upon his furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the trial court/ Duty Magistrate, while making it clear that any observation made herein shall not influence the prosecution case during trial.

10. The petitioner shall not directly or indirectly influence any witness or tamper with the evidence and will appear before the trial court as and when directed.

11. With aforesaid directions, the present petition is disposed of, while

making it clear that any observation made herein shall not influence the trial of the prosecution case.

12. Pending application also stands disposed of.

13. A copy of this order be transmitted to the trial court and Jail Superintendent concerned for information and compliance.

JULY 05, 2021

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(SURESH KUMAR KAIT)
JUDGE