

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

%

Reserved on: July 13, 2021

Decided on: July 27, 2021

+

BAIL APPLN. 2702/2020

KARAN VERMA

..... Petitioner

Represented by: Mr. Kanhaiya Singhal, Advocate with
Mr. Prasanna, Mr. Rishabh Jain,
Mr. Chetan Bhardwaj, Ms. Heena
Tangri, Mr. Udit Bakshi & Mr. Ajay
Kumar, Advocates.

Versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr. Amit Gupta, APP for the State
Mr. Usman Chaudhary, Advocate for
the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J.

1. By this petition, the petitioner seeks regular bail in case FIR No. 486/2013 under Sections 302/201/34 IPC registered at P.S. Mandawali.
2. Learned counsel for the petitioner contends that the petitioner is languishing in judicial custody since 17th September, 2013 and except for interim bail granted in the years 2017 and 2020 for one month and three weeks respectively when the petitioner surrendered on time, the petitioner has been in continuous incarceration. Two other FIRs registered against the petitioner and FIR No.370/2011 registered at P.S.Shakarpur has resulted in acquittal and in FIR No. 941/2011 registered at P.S.Shakarpur, the petitioner has been discharged. In the above-noted FIR, all public witnesses have been

examined and 7-8 prosecution witnesses still remained to be examined and considering the present situation, the examination of the remaining witnesses is likely to take some time. The offence even if the circumstantial evidence and the statements of the witnesses is believed, would be, at best, punishable under Section 304 IPC and considering the period of incarceration undergone by the petitioner, he may be released on the period already undergone. The petitioner has roots in the society and there is no likelihood of his fleeing from justice. Hence, he be granted regular bail.

3. The above-noted FIR was registered after an information was received on 16th September 2013 vide DD No. 56A at P.S. Mandawali that one person was found unconscious near Pappu Halwai at A-Block, South Ganesh Nagar, Delhi. On reaching the spot, SI Virendar found that the injured had been removed to LBS Hospital. Blood was scattered on the spot. On enquiry, it was revealed that a quarrel had taken place between the injured and some other persons. On reaching the hospital, injured was found unfit for statement and hence, on the DD entry, FIR under Section 307 IPC was registered. As the injured passed away during treatment in the hospital, Section 302 IPC was added. During the course of investigation, the deceased was identified as Yogesh, resident of Sadhna Apartments, Vaishali, Ghaziabad. Statement of eye witness Prashant Kumar Singh was recorded, who stated that the present petitioner Karan Verma had beaten the deceased along with three other accused in front of his house. The petitioner was arrested on the identification of eye witness Prashant Kumar Singh. At the instance of the petitioner, two other co-accused namely Kamal Kumar and Parmindar Singh were also arrested. The Maruti Esteem car of the deceased was also recovered at the instance of the petitioner as also the pant worn by the petitioner Karan Verma at the time of commission of offence

which was blood stained. Though the claim in the status report is that on examination as per the FSL report, the blood on the pant was of 'A' group which matched with the blood group of the deceased, however, this fact is seriously disputed by learned counsel for the petitioner.

4. Learned counsel for the complainant has opposed the grant of regular bail to the petitioner on the ground that the wife of the deceased has been receiving threats from the petitioner. As per the learned counsel, three complaints have been filed by the complainant till date i.e. one dated 22nd August 2014 pursuant where to she was provided security for going to the Courts, second dated 1st March 2017 to the SHO, P.S. Lajpat Nagar and the third dated 1st June 2020 to the Registrar General of this Court.

5. The police complaint of the wife of the deceased to the police station Lajpat Nagar could not be traced and as per the record, the same has been destroyed being more than two years old. The complaint to the Registrar General of this Court is administrative in nature. Further, the complainant has not mentioned any specific date or place in the complaint and no complaint was ever filed by her in her residential police station. Undoubtedly, the co-accused Pramindar Singh when granted interim bail for ten days with effect from 6th October 2018 to 15th October 2018 jumped the interim bail and was re-arrested in FIR No. 95/2019 registered at P.S. Laxmi Nagar after a period of 11 months, however, the petitioner has been released twice on interim bail. The petitioner has also solemnized marriage on 23rd June 2017 when he was released on interim bail for knee operation of his maternal grandmother. The petitioner who was granted interim bail by this Court for a period of three weeks vide order dated 15th May 2020 for the treatment of his maternal grandmother, did not surrender on completion of interim bail, ostensibly, for the reason, that by virtue of orders of Full Bench

of this Court, the interim orders continued, however, on the directions of this Court, the petitioner surrendered on 10th June 2020. Further, vide order dated 19th November 2020, the petitioner was granted 4 days interim bail for the marriage of his sister and was to surrender on 27th November 2020 by 5 pm. The petitioner sought extension of interim bail which petition was dismissed vide order dated 14th December 2020. Challenging the order dated 14th December 2020, the petitioner approached the Hon'ble Supreme Court, wherein, no extension of interim bail was granted, however, the petitioner was granted 7 days time to surrender, whereafter, the petitioner surrendered on 11th January 2021.

6. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner on the ground of threats received. As noted above, even though the first complaint is not available, wife of the deceased was granted security to go to Courts. Her statement has already been recorded before the Court. The petitioner has been granted interim bail and there is no material to show that during the period of interim bail petitioner threatened any witness. Considering the nature of allegations, the fact that material witnesses have been examined, the trial is likely to take some time, the petitioner is in jail for the last more than 7 years and that when the petitioner was granted interim bail in the year 2020, there is no allegation that he misused the concession granted to him, this Court deems it fit to grant regular bail to the petitioner, however, on stringent conditions.

7. Consequently, the petitioner is directed to be released on bail on the following conditions:-

(i) The petitioner shall furnish a personal bond in the sum of ₹50,000/- with two sureties of the like amount to the satisfaction of the learned Trial Court/Duty Magistrate; further subject to the condition that one of the surety

would be a family member of the petitioner;

(ii) The petitioner will appear before the SHO, Police Station Mandawali on every Monday at 5 pm and mark his presence;

(iii) The petitioner will not leave the NCT of Delhi without the prior permission of the Court concerned;

(iv) The petitioner and the sureties of the petitioner will keep their mobile phones in active mode and in case of change of their mobile numbers, intimation in this regard will be given to the Court concerned by way of an affidavit;

(v) In case, the petitioner and/or his sureties change their residential addresses, the same will also be intimated to the learned Trial Court by way of an affidavit.

8. Petition is disposed of.

9. Copy of the order be uploaded on the website of this Court.

(MUKTA GUPTA)
JUDGE

JULY 27, 2021

akb