



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

Reserved on : 22.02.2022

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Pronounced on : 19.04.2022

+ **BAIL APPLN. 3972/2021**

SOURABH KHATRI

..... Petitioner

Through: Mr. Varun Mudgil, Advocate.

versus

THE STATE (NCT OF DELHI)

.... Respondent

Through: Dr.M P Singh, APP for the State.
Mr. Vikram Singh and Mr. Yatender
Singh, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. This petitioner has been filed by the petitioner under Section 439 Cr.P.C seeking regular bail in case FIR No. 70/2020 under Section 302/120B IPC read with Section 25/27/54/59 of the Arms Act registered at Police Station Ranhola.

2. In brief, the facts of the case are that the present FIR bearing no. 70/2020 was registered on the statement of Sachin Narwal on 27.1.2020. In his statement he alleged that on 26.1.2020 at about 10.30 pm, he was sitting in the office of father of Sahil Lakra with his friends



Vishal, Sahil, Shrey, Deepak and Jatin. It is further alleged that after some time Shrey, Deepak, Vishal and Jatin left the place and thereafter Saurabh Khatri came in to the office. He was asked to sit down but Saurabh Khatri went away after observing, and thereafter Deepanshu came to the office and enquired about Saurabh Khatri. It is further alleged that Sachin, Deepanshu and Sahil sat in the car. Sachin was driving and Sahil was sitting on front passenger seat while Deepanshu was sitting in the rear passenger seat. After some distance there was an argument between Sahil Lakra and Deepanshu, and he said to Sahil *“Tujhe bhut din ho gaye bakbas karte, Tu aise nahi maanega”* and Deepanshu shot Sahil Lakra from behind on his head, and thereafter Deepanshu ran away. Sachin took Sahil to Balaji Action Hospital. Deepanshu and Sahil had a quarrel a few months ago. On his statement a case under Section 307 IPC and Section 25/27 Arms Act was registered.

3. It is submitted by the counsel for the petitioner that chargesheet has already been filed in this case, and it is a case of no evidence against the petitioner. It is further submitted that petitioner was not present at the spot at the time of alleged incident, and there is nothing on record to show that petitioner has conspired with the other co-accused persons who committed murder of one Sahil Lakra. It is further submitted that petitioner has not been named in the FIR, and he



is in judicial custody since 27.1.2020 in a case where there is no evidence against him, and no role has been assigned to him. It is further submitted by the counsel for the petitioner that trial in this case has not yet started, and it will take sufficient time to conclude. It is further submitted that petitioner is not at the flight risk, and since the chargesheet has been filed, so petitioner is entitled to be released on bail.

4. On the other hand it is submitted by learned APP that even if the name of the petitioner is not in the FIR, the FIR cannot be said to be encyclopedia, and when the matter was further investigated, the role of the petitioner cropped up. He further submitted that simply because the chargesheet is filed, it cannot be a ground for release of the petitioner on bail as the allegations against him are grave and serious in nature. He further submitted that murder was committed in the intervening night of 26/27.01.2020 at 12.05 am, and as per the CDR details of the mobile phone of the petitioner, he was in contact with co-accused Deepanshu. Learned APP further submitted that as per the CDR details, the petitioner was active on his mobile phone near the spot, and his mobile phone became silent five minutes before the incident. It is further submitted by learned APP that as per the investigation, it is petitioner who has supplied the weapon of offence along with two rounds to co-accused Deepanshu. It is further submitted that there is



evidence against the petitioner in the form of statement of witnesses and call details of the petitioner and his co-accused.

5. As per the prosecution, the pistol used in the offence was supplied by the petitioner along with two rounds. It is alleged that the petitioner had visited the office of the deceased to collect information regarding the presence of Sahil Lakra (since deceased) at his office on the date of the incident, and this fact according to the prosecution has been corroborated by the statement of witnesses and call details of the petitioner as well as the co-accused persons. During the course of arguments, it was submitted by learned APP that the complaint dated 22.12.2020 was received from one Sachin Narwal, who is the complainant in this FIR where he has stated that petitioner has threatened to kill him and his father on 17.12.2020 in case he deposed against him in the Court. As per the status report, CDR of the caller's number has been obtained, and the allegations of the complainant Sachin Narwal are corroborated in regard to the threats having been received by him.

6. In the instant case, the allegations against the petitioner are grave and serious in nature, and keeping in view the facts and circumstances discussed hereinabove, and also the fact that material witnesses are yet to be examined, and complainant has received a threat, which



according to the prosecution has been corroborated by the evidence, so at this stage no ground for bail is made out.

The application is accordingly dismissed.

RAJNISH BHATNAGAR, J

APRIL 19, 2022/ib

