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

+ **BAIL APPLN. 67/2023**

SH. SATYAVEER @ NONA

.....Petitioner

Through: Mr. Arvind Singh, Advocate.
versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Ms. Richa Dhawan, APP for the State
with Inspector Sanjeev Kumar, PS
Adarsh Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

06.08.2024

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1. The Petition under Section 439 of the Code of Criminal Procedure, 1973, has been filed on behalf of the petitioner, for grant of Regular Bail in the Case FIR No.320/2021, for the offence under Section 302/34 of the Indian Penal Code, 1860, has been registered at Police Station Adarsh Nagar, Delhi.
2. It is submitted in the application that the FIR had been recorded on account of murder of deceased, Dev Priya Sagar, who was allegedly stabbed by the two co-accused along with the petitioner, in furtherance of common intention. FIR under Section 302/34 of IPC was registered. After the investigation, the Charge-Sheet has been filed and the prosecution witness is being recorded.
3. It is submitted that the bail is sought on the ground that from the post mortem Report, it is evident that the FIR is ante timed. The Supplementary



Charge Sheet filed in respect of the eye-witnesses, is not in continuity but in improvement of the earlier statements and also they are contradictory to the previous statement as there is no common intention on the part of the present petitioner, to commit the murder. The CCTV footages relied upon by the prosecution, clearly reflect that upto 20 persons were present in the quarrel and none can be identified except those who are visible in the CCTV footages. It also clearly shows that the complainant party had gathered in huge number and there was a mutual fight.

4. It is submitted that accused is a young boy of 18 years and three months, on the date of alleged incident as no criminal antecedents and belongs to a respective family. No purpose would be served in keeping him custody. Hence, the bail is sought.

5. Reliance has been placed on the case of Suresh and Another vs. State of Uttar Pradesh; Afrahim Dheikh and Others vs. State of West Bengal; Krishnan and Another vs. State of Kerala; King Emperor vs. Barendra Kumar Ghose; Bashir vs. State; Surendra Chauhan vs. State of Madhya Pradesh; Mithu Singh vs. State of Punjab; Rajesh Kumar vs. State of Himachal Pradesh; Arun vs. State by Inspector of Police, Tamil Nadu; Haredev Singh and Another vs. State of Punjab and Dharam Pal and Others vs. State of Haryana.

6. **Learned APP for the State**, has contested the Application and has submitted that from the CCTV footage and otherwise from the statements of the witnesses, it is evident that the role of the petitioner has been defined as holding the deceased while he was stabbed by the other co-accused. The case is based on the statements of two eye witnesses, who have been partly recorded but has been deferred for want of FSL Report. There is also



recovery of two knives from the two co-accused. The trial is claimed to be proceeding at a regular pace as eight witnesses have already been recorded. Bail is, therefore, opposed.

7. Submissions heard.

8. It is a case of murder based on the testimony of the eye witnesses. The Charges have been framed on 10.10.2022 and eight witnesses since then, have been examined.

9. Considering the gravity and the surrounding circumstances, it is not a fit case for grant of bail and same is denied. However, the learned trial court shall try to expeditiously decide the matter. The Investigating Officer shall also on priority try to obtain the FSL Report, so that there is no delay in the trial.

10. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

AUGUST 6, 2024/RS