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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 213/2024**

HEERA @ DEVRAJ

..... Petitioner

Through: Mr. Gautam Khazanchi Allon and Mr.
Vinayak Chawla, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Aashmeet Singh, APP for State
with SI C.S. Yogi, P.S. Khyala.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

27.02.2024

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1. By way of present bail application filed under Section 439 read with Section 482 Cr.P.C., the applicant seeks regular bail in FIR No. 371/2018 registered under Section 302 IPC at P.S. Khyala.
2. Learned counsel for the applicant states that in support of its case, prosecution has cited two witnesses out of which one independent witness PW4 Jitender has turned hostile not supporting the prosecution story. He further submits that there is discrepancy in the statement of PW1 Jyoti (sister of the deceased) on the aspect of recovery of knife. It is contended that applicant is in judicial custody since 17.11.2018. Lastly, it is submitted that out of 21 only 6 witnesses have been examined so far, therefore, the trial will take time to conclude.
3. Mr. Aashmeet Singh, learned APP for State, on the other hand, has opposed the bail application. It is stated that while PW4 has not supported the prosecution case qua the involvement of present applicant, sister of the



deceased i.e. PW1, who is also an eye witness, has completely supported the prosecution version. He has referred to the testimony of PW1 Jyoti where she has stated that on the date of the incident, the applicant was holding a knife in his hand and stabbed her brother. She further stated that a fight took place between her brother and accused as her brother used to object to the applicant stalling his vegetables *rehri* in front of their house.

4. As per the nominal roll, applicant has spent about three years, eight months and one day in custody as on 14.02.2024. Considering that eye witness Jyoti has not only identified the applicant but also described the incident in detail, this Court is not inclined to admit the applicant on regular bail, consequently, the bail application is dismissed. However, considering that the case pertains to the year 2018, the Trial Court is requested to expedite the trial.

MANOJ KUMAR OHRI, J

FEBRUARY 27, 2024

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