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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 218/2024**
KULDEEP

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Udit Bakshi, Mr. Ujwal Ghai, Ms. Vani Singhal, Ms. Deepali Pawar, Mr. Prasanna and Mr. Ajay Kumar, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, Ld. APP with Insp. Love Atrey, SHO and SI Anil Kumar P.S. GTB Enclave.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
16.07.2024

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1. A Regular Bail Application under Section 439 Cr.P.C read with Section 482 Cr.P.C. has been filed on behalf of the petitioner in FIR No.281/2015 under Section 302/364/365/201/120-B IPC dated 04.04.2015 P.S. GTB Enclave.
2. It is submitted in the petition that the petitioner has been implicated falsely in this case. He was arrested on 19.02.2015. He was granted regular bail by the learned Trial Court on 07.08.2020 to take care of his pregnant wife. While the petitioner was on bail, PW18 Dharmender allegedly tried to



contact him telephonically and thereafter, he made a complaint to the Police. A Threat Perception Report was called, wherein the telephonic conversation between the witness and the petitioner was noted. The call lasted only for 186 seconds. Furthermore, it is the witness who had called the petitioner. Admittedly, the witness and the accused are known to each other since long and it was a casual conversation despite which the learned Trial Court cancelled the regular bail vide Order dated 21.09.2022. Since then the petitioner is in custody.

3. It is submitted that the prosecution witnesses have failed to support the case of the prosecution and there are 64 witnesses out of which only 27 witnesses have been recorded and it would take long to conclude the trial. The petitioner is willing to be bound by any terms to be imposed by the Court. A regular bail is, therefore, sought.

4. **Learned Prosecutor has opposed the bail** on the ground that the previous conduct of the petitioner does not entitle him to any concession of bail. While he was on interim bail, he jumped and was declared a Proclaimed Offender. Subsequently, he was granted regular bail in 2020, which again was misused by him as he threatened the witnesses. Therefore, the bail is strongly opposed.

5. **Submissions heard.**

6. It is not in dispute that though the accused had been arrested in 2015, but he was granted interim bail, which he jumped and was declared Proclaimed Offender. He was subsequently arrested and was granted regular bail in 2020. However, while he was on bail, he misused it by extending threat to the witness PW18 Dharmender Singh as has also been deposed by him in his testimony. The learned ASJ considering all these



facts, cancelled his bail vide Order dated 21.09.2022.

7. Considering the previous conduct of the petitioner, the petitioner is not entitled to bail, which is hereby dismissed.

NEENA BANSAL KRISHNA, J

JULY 16, 2024/va