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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 222/2024**
SANJAY Petitioner

Through: Appearance not given.

versus

STATE OF NCT OF DELHI Respondent
Through: Ms. Meenakshi Dahiya, APP with
Mr. Chaaitanya Jain and Mr. Shishav
Shukla, Advocates with Insp. Naveen
Kumar, PS: Samaypur Badli.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

10.05.2024

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1. An application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 398/2010, under Sections 302/201 IPC, registered at P.S.: Samaypur Badli. Chargesheet has been filed under Sections 302/201/120B IPC.
2. In brief, as per the case of prosecution, on 13.12.2010, a headless male naked body was found in bushes near CNG Pump, Lower GTK Road, Samaypur Badli, Delhi. During the course of investigation, deceased was identified as Raj Singh @ Raju, resident of Sindhi Colony, Swaroop Nagar, Delhi. During investigation on 17.12.2010, Smt. Jagwati (wife of deceased) disclosed that on 12.12.2010, she had received a call from mobile of one Pappu and her husband Raj Singh @ Raju (deceased) informed her that he was present with Pappu, Uday @ Kaliya, Manoj @ Sukda and Sanjay (petitioner).



Also statements of Smt. Dulari Devi (mother-in-law of deceased) and Smt. Mala (sister-in-law of deceased) were recorded during investigation. Smt. Mala stated that on 14.12.2010, while she was present at her Village Khusma, accused Manoj @ Sukda told her Fufa Ghanshyam that he along with Pappu, Uday @ Kaliya and Sanjay (petitioner) has killed Raj Singh @ Raju, which was informed by her to her mother Smt. Dulari Devi.

3. On 29.06.2018, Manoj @ Sukda on arrest, made a disclosure statement that the deceased was murdered by him along with Pappu, Uday @ Kaliya and Sanjay and accused Pappu and Uday @ Kaliya had taken the head of the deceased with them. Thereafter, accused Sanjay was arrested on 28.08.2018, while he was in custody in another FIR No. 0524/2014, under Sections 302/307/308/34 IPC, registered at PS: Jahangir Puri.

4. Learned counsel for the petitioner submits that though the incident took place on 13.12.2010, the chargesheet has only been filed in the year 2018. Further no incriminating evidence by way of CDR has been collected to corroborate if call had been made by Pappu to Smt. Jagwati (wife of deceased). It is further submitted that extra judicial confession allegedly made by Manoj @ Sukda to Ghanshyam as revealed in statement of Smt. Mala is a weak piece of evidence and there are contradictions on record.

5. I have given considered thought to the contentions raised.

Admittedly, co-accused Pappu and Uday @ Kaliya, who are alleged to have taken the head of the deceased with them, could not be arrested during the course of investigation and are absconding. Present petitioner / Sanjay was also only arrested in the year 2018, as he was absconding. It cannot be ignored that immediately after identification of body of the deceased, his wife had stated that in telephonic conversation deceased had confirmed his last



presence with the accused. Applicant is also stated to be involved in 4 other cases including Section 302 IPC.

Considering the facts and circumstances, no grounds for bail are made out at this stage. Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

Nothing stated herein shall tantamount to expression of opinion on the merits of the case, which is stated to be pending at an advanced stage.

ANOOP KUMAR MENDIRATTA, J.

MAY 10, 2024/R