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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 259/2024**

SALIM

..... Petitioner

Through: Mr.Rajeev Kumar, Advocate.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with I.O./Insp. Virender Singh, P.S.
Nand Nagri.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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16.05.2024

1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 814/2020 registered under Sections 302/34 at P.S. Nand Nagri.
2. It is noted that vide order dated 22.01.2024, Status Report was directed to be filed, however, till date the same has not been filed. Let a copy of this order be communicated to the concerned DCP.
3. Learned counsel for the applicant states that as per the charge-sheet filed, the only role assigned to the present applicant is that of giving exhortation. He submits that insofar as injuries caused to the deceased, no role of infliction of any injury is attributed to the present applicant. It is further stated that all the eye witnesses of the case, as cited by the prosecution, have already been examined and none of them has supported the prosecution case. It is further submitted that even eye witness Const.



Satya Prakash, the complainant has also been examined who has not stated anything against the present applicant.

4. Learned APP for the State, on the other hand, has opposed the bail application. He submits that prosecution had cited *Krishna, Raju* and *Puneet* as public witnesses and all of them have been examined. Learned APP however, acknowledges that none of the eye witnesses have said anything against the present applicant or supported the prosecution case. He further submits that present applicant had refused to participate in TIP proceedings.

5. I have heard the learned counsels for the parties and gone through the statements of witnesses available on record.

6. Even as per the prosecution though eye witnesses have turned hostile, not a single suggestion has been put by Ld. Addl. Public Prosecutor in cross-examination on the role of the present applicant. Applicant is stated to be in custody since 22.11.2020 and all the eye witnesses have already been examined. Though the applicant is stated to have one more involvement, learned counsel for the applicant states that the same pertains to the year 2019 registered under Sections 323/324 IPC in which applicant is already on bail. However, the said involvement of the applicant is not mentioned in the nominal roll.

7. Considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

i) The applicant shall not leave the NCR without prior permission of the



concerned Court.

- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

8. The bail application is disposed of in the above terms.

9. Copy of the order be communicated to the concerned Jail Superintendent for information.

10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

MAY 16, 2024

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