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

+ **BAIL APPLN. 303/2024**

VISHAL @ JOHNY (IN JC)

..... Petitioner

Through: Mr.Joginder Tuli, Ms.Joshini
Tuli, Ms.Shruti Agarwal,
Ms.Pinki Sah, Mr.Mayank
Shekhar Kushwaha, Advs

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Aman Usman, APP with
Insp.Bijay Kumar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

21.03.2024

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1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for the applicant to be released on bail in FIR No.430/2018 under Sections 302/120B of the Indian Penal Code, 1860 (in short, 'IPC') and under Section 25/27 of the Arms Act, 1959 registered at Police Station: Bawana.

2. It is the case of the prosecution that the above FIR was registered on receiving an information on 29.10.2018, regarding a lady being shot while she was on her scooty and was driving between Daryapur and Bhawana Police Station. Upon reaching the spot, the police found a white colour Activa scooty with the keys still in it, two bags, helmet, a pair of shoes, blood, and an empty cartridge. Upon enquiry, it was discovered that the injured had been shifted to MV Hospital by public persons, but had been declared brought dead by the



doctor. In further investigation, it was found that the deceased was a school teacher and the incident took place while she was on her way to the school. The brothers of the deceased, when informed of the same, disclosed the existence of an illicit relationship between the husband of the deceased and the co-accused-AG. During investigation, the accused persons were confronted with the material on record, being diary of the deceased, CDR analysis of their mobile phones, images captured, etc., on which they broke down and accepted to have committed this offence. The accused persons in their statements disclosed that the co-accused-AG and the deceased's husband were in a relationship and AG wanted to marry him, but since he was already married, he rejected the idea of taking divorce stating that he belongs to a village and if he takes divorce he will be finished. Upon hearing the rejection of the idea of divorce, the co-accused persons, planned to kill the deceased, for which they contacted an accused person's driver, namely Deepak, who in turn introduced the maternal uncle Dharmender to the co-accused, Rajeev, and then Dharmender accepted to kill the deceased, for which he hired Shahzad @ Saifi and Vishal @ Johny/Applicant herein, who open fired on the deceased, resultantly killing her on 29.10.2018.

3. It is noticed that the earlier bail application filed by the applicant for being released on bail was dismissed by this Court by a detailed order dated 11.04.2023 passed in Bail Appln. 88/2023 titled ***Vishal @ Johny v. State (NCT of Delhi)***. The applicant challenged the same by way of a Special Leave Petition, being SLP (Crl) No.6147/2023, titled ***Vishal @ Johny (in JC) v. State of NCT of***



Delhi, which was dismissed by the Supreme Court vide order dated 16.05.2023. The Supreme Court further directed the learned Trial Court to conclude the trial as expeditiously as possible, preferably within a period of six months from the date of the said order. As the trial could not be concluded within six months, on an application filed, being Miscellaneous Application No.2599/2023 in the above SLP, the Supreme Court, vide its order dated 12.12.2023, directed the learned Trial Court to conclude the trial within a period of eight months of the said order. The Supreme Court further made it clear that no further extension was to be sought and the trial should be concluded within the extended period without fail.

4. Though the learned counsel for the applicant submits that the applicant had earlier been released on *interim* bail, which indulgence he has not misused, and that the trial is not proceeding expeditiously with many witnesses still remaining to be examined, in my view, no fresh ground for reconsidering the earlier order dated 11.04.2023 passed by this Court, and as upheld by the Supreme Court vide order dated 16.05.2023, has been made out.

5. The learned Trial Court has already been directed by the Supreme Court in the abovementioned order to conclude the trial within a period of eight months, and presently, I see no reason to even presume that the learned Trial Court is not cognizant of the above direction and is not making full endeavour to conclude the trial.

6. Merely because the applicant was released on interim bail, which indulgence he did not misuse, is also not a ground to release the applicant on bail, especially in view of the above mentioned orders.



7. Accordingly, I find no merit in the present application. The same is dismissed.

NAVIN CHAWLA, J

MARCH 21, 2024/Arya/am

Click here to check corrigendum, if any