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

+ **BAIL APPLN. 703/2023**

SONU SAIFI

..... Petitioner

Through: Mr. Jatin Bhatt, Mr. Mehmood Pracha, Mr. RHA Sikander, Mr. Sanawar Choudhary, Mohd. Hasan, Ms Heema, Ms. Nujhat Naseem and Mohd. Sameem, Advocates.

versus

STATE

..... Respondent

Through: Mr. Rajat Nair, Special PP for State with Mr. Dhruv Pandey, Advocate with Inspector Sanja Kaushik, P.S. NR-I/Crime Branch, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.05.2024

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1. By way of present applicationn filed under Section 439 read with Section 482 Cr.P.C., the applicant seeks regular bail in FIR No. 61/2020 registered under Sections 147/148/149/302/436/153A/505/120B IPC at P.S. Karwal Nagar, Delhi.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is stated that the applicant was arrested on 17.05.2020 and has been in custody since then. He submits that the matter is pending trial and all the public witnesses have been examined. It is also pointed out that there has been no recovery from the applicant in



the present case. He submits that 14 more witnesses remain to be examined and that the trial is likely to take time. It is further argued that the CDR location relied upon by the prosecution is irrelevant as the applicant is a resident of the same area where the incident has taken place. It is also stated that the applicant is nowhere to be seen in the CCTV footage obtained from the said spot. He further submits that though the applicant is alleged to be involved in 6 FIRs, however out of the said FIRs, in FIR No. 39/2020, the applicant has already been discharged whereas in FIR Nos. 73/2020 and 75/2020, the applicant has already been released on regular bail. Reference in this regard has been made to the orders passed in the respective FIRs, copy of which has been placed on record.

3. Learned SPP for the State, on the other hand, has opposed the bail application stating that two public witnesses namely Ajeet Tomar and Amit Kumar have already been examined who have deposed in their testimony identifying the applicant. Learned SPP further states that CCTV footage related to the incident dated 25.02.2020 could not be collected as the CCTV cameras installed near the place of the incident had already been destroyed/damaged in the evening of 24.02.2020 by the mob. He has referred the testimony of witnesses wherein they have identified the applicant as one of the members of a mob of 6 persons, out of which one of the persons fired upon the deceased Dinesh Kumar.

4. I have heard the learned counsel for the applicant and learned SPP for the State and have also gone through the testimonies of aforesaid two public witnesses.

5. Perusal of testimony of public witnesses shows that public witness Ajeet Kumar Tomar, who has been examined as PW6, has identified the



applicant as part of the mob. However, he has stated the he could not see as to who had fired the bullet, which killed the deceased. Further, the applicant is alleged to be seen with a *danda* in his hand. The other public witness had identified the applicant on the basis of photographs.

6. Keeping in mind the said fact that the public witness have been examined and the further fact that the applicant has also been granted regular bail in FIR Nos. 73/2020 and 75/2020 and considering that the chargesheet stands filed, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- 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.

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



8. Copy of the order be communicated to the concerned Jail Superintendent for information.
9. Copy of the order be uploaded on the website forthwith.
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 17, 2024/ssc