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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 666/2024**

SALIM

..... Petitioner

Through: Mr. Sanjeev Goel, Advocate.

versus

STATE GOVT.OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Rohit Gahlot, P.S. Prem
Nagar.

Mr. A.K. Singh and Mr. Sushant,
Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

31.05.2024

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1. By way of present application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 78/2020 registered under Sections 302/201/120-B IPC at P.S. Prem Nagar, Delhi.
2. Learned counsel for the applicant states that in the present case prosecution has alleged this case against the present applicant on the premises of circumstantial evidence in the form of last seen evidence of Savitri Devi, the sister of deceased/Rajesh. It is stated that as per the statement of Savitri Devi, she had seen the deceased in the company of the present applicant as well as one Dilshad at about 06:15 pm on 16.12.2020. Learned counsel further states that body of the deceased was discovered two days later i.e. on 18.12.2020 in the jungle of P.S. Kanjhawla. It is submitted that besides above, the prosecution has also shown a recovery of two buttons



alleged to be belonging to shirt of the present applicant. Additionally, prosecution has also shown a phone call stated to have been received by the son of the deceased Vikas from the deceased at about 5:25 pm wherein the deceased had claimed himself to be going with only Dilshad. Lastly, it is submitted that applicant is in custody since 22.02.2020 and till date only 5 out of 40 witnesses have been examined, the remaining witnesses being only formal in nature.

3. Learned APP, who is duly assisted by the counsel for the complainant, has opposed the bail application. He states that prosecution has alleged three circumstances against the applicant; that on 16.02.2020 the deceased had received a phone call from the present applicant; the deceased has also informed his son about going with Dilshad and; later at about 6:15 pm the sister of the deceased had seen the deceased in the company of the present applicant as well as Dilshad. Learned APP further submitted that applicant is also involved in a theft case of the year 2016.

4. At this stage, learned counsel for the applicant, on instructions, states that applicant has already been granted bail in the said theft case. He further submits that during the cross-examination of Savitir Devi, it has been put to her that when she left the factory premises at about 6:30 pm how could she see the deceased in the company of the applicant prior to 15 minutes of her leaving i.e. at 6:15 pm.

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

6. This Court at the stage of bail, without entering into the merits of the contentions of respective parties which will be evaluated by the Trial Court at the appropriate stage in the trial, is of the considered view that in view of



the fact that the case relates to circumstantial evidence and all the material witnesses on the aforesaid aspect having already examined and the remaining witnesses about 35 in number are yet to be examined, the trial would take long time to conclude. The applicant is already in custody for about 4 years and two months. Considering the totality of the facts and circumstances, 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. 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.

MAY 31, 2024

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MANOJ KUMAR OHRI, J