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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 768/2024**

VISHWASH KUMAR

..... Petitioner

Through: Mr. Saurabh Upadhyay and Mr.
Aakash Yadav, Advocates.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr. Amol Sinha, ASC (Crl.) for State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar and Ms. Chavi Lazarus, Advs.
Insp. Yakub Khan, PS NDRS and
Insp. Jitendra Malik, Delhi High Court
Security Officer.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER
06.05.2024

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1. An application under Section 439 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. 079/2019 under Sections 302/34 IPC registered at P.S.: New Delhi Railway Station.

2. In brief, as per the case of prosecution, on receipt of information vide DD no. 30A on 12.09.2019, Inspector Jitender alongwith ASI Sukhpal proceeded to the spot, wherein a boy aged about 24-25 years was found dead. Statement of eye witness Vijay was recorded, who alleged that petitioner Vishwas alongwith Salim @ Kutta, brutally assaulted the deceased Raju @ Sodium with *stick* and *fatti*. When the deceased fell down, Vishwas further stuck the deceased with a heavy stone. FIR was accordingly registered under **BAIL APPLN. 768/2024**

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Section 302/34 IPC.

3. Learned counsel for the petitioner submits that one of the eye witness namely Munna Timepass has since expired, while the other witness namely Vijay is untraceable.

4. On the other hand, learned APP for the State submits that in case the petitioner is released on bail at this stage, there is a possibility of influencing the witness. It is further urged that since the eye witness Vijay has changed his address, efforts are being made by the prosecution to trace the witness.

5. Considering the facts and circumstances, no grounds for bail are made out at this stage. However, prosecution is directed to make an endeavour to trace and examine the eye witness Vijay on the next date of hearing before the learned Trial Court.

Application is accordingly disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J

MAY 6, 2024/akc

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