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

+ **BAIL APPLN. 817/2024**

RAVINDER KUMAR @ VIRENDER

..... Petitioner

Through: Mr. M.D. Jangra, Mr. Varun Kumar
and Mr. Shitanshu, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Vijay Singh PS
Kanjhawala

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

23.04.2024

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1. The present application has been filed seeking regular bail in connection with FIR No. 241/2019 under Sections 307/506/120B/34 IPC read with Section 25/27/54/59 of Arms Act registered at Police Station Kanjhawala.
2. The case of the prosecution is that FIR was registered on the statement of Smt. Rajrani Chikkara alleging that on 28.6.2019 at 05:05 AM one Vikram, who is the son of her Devar (Kanwar singh), came to the complainant's house along with his accomplices viz. Sahil, Ravinder S/o Bijender in Jaunti Village and fired several round from a pistol towards her and her son Netrapal with the intention to kill them and to grab the property with regard to which there is dispute between Vikram and the complainant.
3. In the said incident the complainant Raj Rani received simple injury while her son Netrapal received grievous injuries.



4. The learned counsel for the petitioner submits that the petitioner is in judicial custody since 12.07.2019 i.e. for more than 04 years 09 months. He further submits that the present FIR is counter blast to the property dispute which was pending between co-accused Vikram and the complainant's family. The only role attributed to the present petitioner is that he had extended threats to the complainant and his son.
5. According to the learned counsel no gun shot injuries have been attributed to the present petitioner. Insofar as another case registered against the present petitioner under Section 302 IPC at Sonipat is concerned, the submission of the learned counsel is that the petitioner has already been enlarged on bail in the said case. He submits that there is no other case pending against the present petitioner, except the present one.
6. He further submits that out of total 11 public witnesses cited by the prosecution only 02 public witnesses have been examined, therefore, the trial is likely to be protracted one. He therefore, urges the Court to enlarge the Court the bail.
7. *Per contra*, the learned APP has argued on the lines of the status report, a copy of which has been handed over in Court and the same is taken on record.
8. I have heard the learned counsel for the petitioner, as well as, learned APP for the State and have perused the record.
9. The case prosecution insofar as the present petitioner is concerned is that he has extended threats to the complainant and her son. No gun shot injury has been attributed to the present petitioner.
10. The petitioner is admittedly, in custody since 12.07.2019, therefore, he has spent almost 04 years 09 months in custody.



11. The chargesheet has been filed and trial is underway. The prosecution has cited as many as 11 witnesses out of which only 02 witnesses have been examined till date. Needless to say that the conclusion of trial is nowhere in sight. In the facts and circumstances of the case it will not be appropriate to keep the petitioner in custody for indefinite period to await the outcome of trial.

12. Insofar as another case stated to be registered against the present petitioner in Sonipat is concerned, it is stated that the petitioner is already enlarged on bail in the said matter. Further, involvement of an accused in another case cannot be a sole ground to deny him the bail.

13. The petitioner is stated to be a permanent resident of Village Sator (Sarupgarh) Distt. Charkhi Dadri (Haryana), therefore, he does not appear to be a flight risk.

14. In view of the above, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.



c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

15. The petition stands disposed of.

16. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

17. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

18. Order *dasti* under signatures of the Court Master.

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

APRIL 23, 2024

N.S. ASWAL