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

+ **CRL.M.C. 2511/2023**

RAM ASRE

.....Petitioner

Through: Mr. Keshav Ahuja, Ms. Shivali
Sharma and Mr. Subhash Chugh,
Advocates

versus

STATE & ANR. & ORS.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with Insp Sanjeev Kumar PS Adarsh
Nagar
Mr. Jatan Singh, Mr. Siddharth
Singh, Mr. Tushar Lamba and Ms.
Vanshika Adhana, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

05.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) (earlier Section 482/483 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”)) read with Section 439 (2) of the Cr.P.C. has been filed on behalf of the petitioner seeking setting aside the order dated 6th March, 2023 (hereinafter “impugned order”) passed by the learned ASJ, North District, Rohini Courts in the case registered vide FIR no. 898/2022 under Sections 302/120B/34 of the Indian Penal Code, 1860 (hereinafter as ‘IPC’) at Police Station Adarsh



Nagar, Delhi.

2. Learned counsel appearing on behalf of the petitioner submitted that while granting the bail, the learned Session Judge ignored the material facts on record and various parameters laid down by the Hon'ble Supreme Court as well as by this Court.

3. It is submitted that the deceased girl had an affair with the respondent no.2 and she was pressurizing the respondent no.2 to get married, therefore, the respondent no.2 gave contract of killing (*supari*) to the killers i.e. respondents no. 4, 5 and 6.

4. Learned counsel appearing on behalf of the petitioner further submitted that the petitioner is involved in the heinous crime for the offence punishable under Section 302 of the IPC where the minimum sentence is life imprisonment and the bail was granted without considering the entirety of the matter. In support of his arguments, he referred to paragraphs no. 5, 6 and 7 of the judgment passed by the Hon'ble Supreme Court in the case of ***Indresh Kumar vs. State of Uttar Pradesh & Ors.***, MANU/SC/1148/2022. Therefore, in view of the above facts and circumstances, it is submitted that the impugned order may be set aside.

5. The learned APP for the State vehemently submitted that the bail order which was granted by the learned Sessions Judge *vide* impugned order may be set aside, however, it is submitted that certain facts have been disclosed in the status report.

6. It is submitted, on instructions, that there are 27 witnesses and out of total 27 witnesses, 3 witnesses have already been examined i.e., the family members of the deceased and only the Police witnesses and Forensic witnesses are left for the examination. The learned APP also apprised this



Court that the co-accused i.e., Jai Prakash @ Durga had already been released on bail vide order dated 14th October, 2024 passed by learned ASJ, North District, Delhi.

7. *Per Contra*, Mr. Jatan Singh, learned counsel appearing on behalf of the respondent no. 2 vehemently opposed the instant petition and submitted that while granting the bail, the learned ASJ has not committed any error and after keeping in view of the above facts and circumstances in the mind, the bail was granted.

8. It is submitted that there are no criminal antecedents of the respondent no. 2 and he is abiding by all the terms and conditions of the bail. Therefore, there is no cogent reason to set aside the impugned order passed by the learned Sessions Judge.

9. Heard learned counsel appearing on behalf of the parties and perused the impugned order dated 6th March, 2023 and the other documents available on record.

10. After perusing the reasons assigned by the learned Trial Court while granting the bail, it is apparent that the learned Trial Court has taken into consideration all the facts and material on record at the time of granting of bail and also the submissions made by learned APP during the arguments and it was observed that there is no direct evidence against the respondent no. 2.

11. As per the contents of the impugned order, it is discernible that the accused/respondent no.2 was arrested on the disclosure statement made by the other accused and there is no proof that the accused/respondent no. 2 was in touch with the killers.

12. Furthermore, the records also makes it clear that despite allegations



made by the family members against the accused/respondent no.2, no complaint was ever filed by them regarding the alleged harassment to the victim.

13. At last, this Court also deems it appropriate to state that the other prime accused in the instant case have already been granted bail by the learned Court below *vide* order dated 14th October, 2024 and the examination of the other relevant documents will take long time, therefore, cancellation of bail of the accused/respondent no.2 would not serve any purpose. Reliance in this regard can be placed upon the judgment rendered by the Hon'ble Supreme Court in the case of ***Indrani Pratim Mukerjea v. CBI, (2022) 18 SCC 182***, whereby, the Hon'ble Court observed the abovesaid.

14. In view of the above facts and circumstances and reasons as stated above, this Court does not find any reason to set aside the order dated 6th March, 2023 passed by the learned Sessions Judge.

15. Accordingly, the instant petition is dismissed along with the pending applications, if any.

CHANDRA DHARI SINGH, J

NOVEMBER 5, 2024
gs/av

Click here to check corrigendum, if any