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

+ **BAIL APPLN. 944/2024**

RAHUL RANA @ RINKU

..... Petitioner

Through: Mr. Hirein Sharma, Mr. Gaurav Tushir, Mr. Vimal Tyagi, Mr. Balaji Pathak, Mr. Tripurari Jha, Mr. Aniket Gupta and Mr. Arpit Bhalla, Advocates.

versus

STATE

..... Respondent

Through: Mr. Laksh Khanna, APP for State alongwith Inspector Naveen Kumar and Inspector Samir Jha P.S. Shalimar Bagh.
Mr. Harikesh Singh and Ms. Mandeera Sinhmar, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.04.2024

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1. By way of the present application filed under Section 438 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No. 527/2020 registered under Sections 302/120B IPC read with Section 25/27 of Arms Act at P.S. Samaypur Badli.
2. Learned counsel for the petitioner states that the present case is based upon circumstantial evidence and that the prosecution has cited 3 witnesses namely *Chetan*, *Neeraj* and *Lalit*, as last seen witnesses, who have already



been examined. Out of the said witnesses *Chetan* and *Lalit* have not supported the case of the prosecution and have turned hostile. He further submits that even otherwise the said witnesses are relevant only with regard to the co-accused 'A', who is JCL and who has committed the murder. He submits that the only role attributed to the present applicant is w.r.t the recovery of the pistol which was used for commission of offence. It is further submitted that the applicant has been in custody since 24.08.2020 and is not involved in any other case. Lastly, it is submitted that only 17 out of 30 witnesses have been examined till date and that the trial is likely to

3. Learned APP for the State, duly assisted by learned counsel for the complainant, has vehemently opposed the bail application. As per the case of the prosecution, the role assigned to the applicant is that of providing the pistol, which was used in the commission of the murder of the deceased, has been recovered at his instance. As per FSL report, it has been opined that the said pistol was used in the commission of the crime/murder. It is further submitted that the applicant initially tried to mislead the investigation by informing that his brother JCL has been murdered.

4. I have heard the learned counsels for the parties and have also perused the material placed on record.

5. Statedly, the applicant has been in custody since 24.08.2020. As per the prosecution case, the last seen evidence is only relevant qua the JCL, as it was the JCL who was last seen in the company of the deceased. The material cited against the applicant is disclosure statement of the co-accused JCL alongwith the fact that the pistol used by the JCL in commission of crime has been recovered at his instance.

6. Keeping in view the aforesaid facts and circumstances including the



fact that the material witnesses have been examined and only police witnesses remain to be examined as well as the fact that the applicant is not involved in any other case, 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 electronically 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

APRIL 05, 2024/ssc