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

+ BAIL APPLN. 982/2024
NARENDER @ BAJRANG Applicant
Through: Mr. Rizwan Khan,
Advocate (Through V.C.).

versus

STATE NCT OF DELHI Respondent
Through: Through: Mr. Ajay
Vikram Singh, APP for
the State alongwith Ms.
Akshita Tyagi, Ms.
Anajali Mathur & Mr.
Syed Almas Hussain,
Advocates & Inspector
Yogender Kumar & SI
Manish Tyagi (P.S.
Govind Puri).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
13.05.2024

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1. The present petition is filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.641/2021 dated 06.11.2021 registered at police station Govind Puri, for offences under Sections 302/201 of the Indian Penal Code, 1860 ('IPC').
2. This Court by order dated 19.02.2024 admitted the co-accused Mohd. Ayub on regular bail noting that the allegations against him, at this stage, point towards an offence punishable under Section 201 of the IPC, which attracts the maximum punishment of seven years.
3. It was also noted that from the material relied upon the prosecution, at this stage, *prima facie*, the non-involvement of the co-accused in the offence under Section 302 of IPC cannot be



ruled out and the same would be the subject matter of trial.

4. The co-accused Ajaj *alias* Judi has also been enlarged on bail on 03.08.2023, in BAIL APPLN 433/2023, by another bench of this Court as well.

5. It is the prosecution's case that the murder of the deceased was committed during a quarrel due to some issue over gambling. It is alleged that the gambling house was run by co-accused Ajaj *alias* Judi and the entrance fee for the same was collected by co-accused Mohd. Ayub. It is alleged that when co-accused Ajaj came to know about the murder, he along with the other co-accused persons, including the applicant and co-accused Mohd. Ayub, shifted the dead body of the deceased from the place of incident and washed the area with the intention to destroy the evidence.

6. The allegations against the applicant, at this stage, are identical to those levelled against co-accused Mohd. Ayub and Ajaj *alias* Judi. The role attributed to the applicant, in any case, is not graver than the said co-accused persons who have already been enlarged on bail in the present case.

7. The statements of the witnesses, at this stage, do not reflect that the injuries on the deceased were inflicted by the applicant.

8. It is not disputed that the applicant has clean antecedents. The applicant has been in custody since 07.11.2021 and has spent more than thirty months in incarceration.

9. Considering the facts and circumstances of the present case and the fact that co-accused persons have already been enlarged on bail, I am satisfied that the applicant has made out a *prima facie* case for grant of regular bail on the ground of parity.

10. The applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two



sureties of the like amount, subject to the satisfaction of the learned Trial Court/ Duty MM / Link MM, on the following conditions:

- a. The applicant shall under no circumstances leave the boundaries of the National Capital Region without informing the Investigating Officer;
 - b. The applicant shall appear before the learned Trial Court on every date of hearing;
 - c. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
 - d. The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.
11. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
12. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.
13. The present application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 13, 2024

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