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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1025/2024**
SAURABH KHATRIPetitioner

Through: Mr. Saurabh Khatri, Mr Akshay
Tyagi, Mr. Ashutosh Bhardwaj, Mr.
Lakshay Tyagi, Mr. Sanju Gupta and
Mr. Lalit Kumar Sharma, Advocates.

versus

STATE (GOVT OF NCT,DELHI)Respondent
Through: Mr. Amit Ahlawat, APP for State.
Mr. Ghanisht Bagria, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
25.10.2024

1. This petition has been filed seeking regular bail in FIR no. 70/2020 at PS Ranhola, Delhi under Sections 302/120-B IPC and under Sections 25/27 Arms Act.
2. The petitioner has been in custody since 27th January, 2020 and is undergone about 4 years and 4 months of custody.
3. The petitioner was released on interim bail in 2020-2021 during the covid period, there are no previous involvements.
4. As per the case of the prosecution, on 27th January, 2020, PS Ranhola received an information that that there was an injured person. He was found under treatment and MLC was collected.



5. The statement of the eye witness Sachin Narwal was recorded, who stated that on 26th January, 2020 at about 10:30 P.M. when he along with friends namely Vishal Lakra, Sahil Lakra, Shrey Lakra, Deepak Lakra and Jatin Lakra was sitting in the Sahil Lakra's father office. First, the petitioner came there and sat for a while and went away, thereafter, Deepanshu came and asked for the petitioner. Deepanshu left along with Sahil Lakra went to the Santro car. Sachin Narwal was driving the car whereas Sahil Lakra was sitting in co-passenger seat, then they reached Shiv mandir, some altercation occurred between Sahil Lakra and Deepanshu. Deepanshu shot Sahil Lakra in the head with a pistol. He expired during treatment on 29th January, 2020.
6. Out of 38 witnesses, all material witnesses have been examined except Deepak Lakra.
7. Counsel for petitioner points out to the orders of Trial Court from 03rd July, 2024 onwards where at least on six occasions, adjournment has been sought on frivolous grounds for recording of the testimony of the Deepak Lakra.
8. Counsel for petitioner points out to the FIR which records the complainant version where he has stated that the petitioner had come to Sahil Lakra's office and then left. He states that there is no allegation in the murder which was allegedly by the shooting done by Deepanshu.
9. He further points out to the testimony of the PW-1 (*complainant*) who states the same in his examination in chief.
10. Accordingly, counsel for petitioner contends that complainant itself having stated that petitioner had left the Sachin Lakra's father office and was clearly not sitting in the car when shooting allegedly occurred by Deepanshu.



11. Counsel for petitioner further points out to the evidence of PW-2 Vishal Lakra who also states the same.

12. PW-2 states that the Saurabh Khatri, the petitioner sat in his office for two minutes, thereafter took out his mobile phone and left from his office by saying that call is on phone is received from his home.

13. The petitioner was implicated on basis of disclosure of Deepanshu who stated that he has conspired with Saurabh Khatri to kill Sahil Lakra and Saurabh Khatri gave him the said pistol for the purpose. It is stated that there is no recovery of the said weapon.

14. The case of the prosecution rest on the last seen evidence relating to the petitioner, CDR location at the office of Sahil Lakra's father (*weapon was recovered at the instance of Deepanshu*).

15. In these circumstances, counsel for petitioner states that petitioner has been in custody for about 2 ½ year basis just the allegations based on disclosure of Deepanshu; and he be released on bail.

16. Counsel for petitioner also points out as far as allegation of threat is concerned of the petitioner, the complaint filed by the complainant was dismissed subsequently.

17. Considering that the period of custody of the petitioner, as well as no previous involvements, and that he has been released on interim bail earlier, as well as on assessment of the contentions of counsel for petitioner, Court considered it fit to grant bail to the petitioner.

18. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on



furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically/virtually before the concerned I.O. every Thursday at 4 p.m., and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.



19. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
20. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
21. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
22. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 25, 2024/RK

Click here to check corrigendum, if any