



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1008/2024**
YUSUF @ JAAT @ ARYAN @ BABAPetitioner
Through: Mr. Vineet Jain, Adv.
versus
STATE NCT OF DELHIRespondent
Through: Ms. Manjeet Arya, APP for the State
with Mr. Mohd. Takh, Mr. Jashan Jot
Singh, Ms. Tisha Kaushik, Mr. Nikhil
Mundeja, Mr. Mahender Singh, Mr.
K. K. Khanna and Ms. Pooja Suri,
Adv. and with Insp. Ranbir Singh,
P.S. : Preet Vihar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

10.09.2024

%

1. Second application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 125/2020 under Sections 302/307/34 IPC and Sections 25/27 Arms Act registered at P.S.: Preet Vihar.
2. In brief, as per the case of prosecution, Shivam Dua (complainant) alongwith his cousin Somesh Chabra @ Sunny (deceased) and friend Rahul Sharma were travelling in Hyundai I-20 car bearing No.DL-7CN-0216. When they reached near V3S Mall, Somesh Chabra @ Sunny asked four persons who were driving motorcycle and scooty to drive properly. Thereupon the accused abused them and also fired gunshots. One of the gunshots hit Shivam Dua on his neck while the other gunshot hit Somesh Chabra @ Sunny (deceased) on his chest. It is further the case of prosecution that present petitioner was driving the motorcycle and at his instance, the



shot was fired upon by the pillion rider.

3. Learned counsel for petitioner submits that petitioner could not be identified in the TIP proceedings and was only subsequently identified during investigation at the police station. As such it is urged that identification of petitioner has no legal basis.

4. On the other hand, learned APP for the State vehemently opposes the application and submits that complainant has specifically stated in his statement under Section 161 Cr.P.C. that he could not identify petitioner due to fear and later on identified the petitioner. It is also urged that value of identification of petitioner subsequently during investigation can be commented upon only after the statement of witnesses is recorded. Learned APP further points out that proceedings got delayed as one of the accused was declared PO, who has since been only arrested in December 2023.

5. At this stage, learned counsel for petitioner does not press the application but prays that since the petitioner is in custody since 12.08.2021, learned Trial Court be directed to expedite the trial.

Taking the statement of learned counsel for petitioner on record, application is accordingly disposed of.

Considering the facts and circumstances, learned Trial Court is directed to make an endeavour to pass appropriate orders on charge, after hearing the parties on the date fixed before the learned Trial Court.

Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 10, 2024/p