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

+ **BAIL APPLN. 1018/2024 & CRL.M.A. 8910/2024**

AFTAB

.....Petitioner

Through: Mr. Yoginder Singh, Advocate *via*
video-conferencing.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Mr. Dinesh Kumar, Mr. Sunil
Kumar, Mr. Pankaj Saini,
Advocates and SI Sunder Singh, P.S.:
Nangloi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

03.07.2024

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By way of the present petition filed under section 439 read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks regular bail in case FIR No. 527/2023 dated 01.06.2023 registered under sections 307/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Nangloi.

2. The petitioner was arrested on 01.06.2023; and has been in custody ever since. Investigation in the matter has been completed. Chargesheet dated 10.08.2023 has been filed; however charges are yet to be framed.
3. As per the chargesheet, the role ascribed to the petitioner is of having inflicted a knife wound on one Shahrukh, who is stated to have been a street vendor.
4. Notice on this petition was issued on 20.03.2024. Status report dated 'nil' has been filed. Enclosed with the status report is the MLC of



Shahrukh (victim) which records that he had sustained a stab injury and that the nature of the injury was ‘grievous’.

5. The status report records that the alleged weapon of offence, which is stated to be a knife, was recovered at the instance of the petitioner from his house. Other than the statement of the victim and the claimed recovery of the knife at the petitioner’s instance, no other evidence has come forth against the petitioner during the investigation.
6. On instructions of the Investigating Officer, Mr. Amit Ahlawat, learned APP appearing for the State informs the court, that the victim has subsequently died; and is believed to have been murdered in a separate incident unrelated to the present case, and having nothing to do with the petitioner.
7. For the record, the date of the incident in the present case is 30.05.2023; the statement of the victim was recorded on 01.06.2023; and the victim is stated to have died about 02 months ago.
8. Mr. Ahlawat further submits, that the co-accused Rahul has already been admitted to regular bail; and two other persons named by the victim have also been released on bail since they were juveniles.
9. The nominal roll shows that the petitioner has been in continuous custody from the date of his arrest *i.e.* 01.06.2023; and that he has not availed any interim bail so far; and that he has therefore been in custody for more than 13 months now. The nominal roll further records that the petitioner has no other criminal involvements; and that his overall jail conduct has been “Satisfactory”.
10. In view of the above circumstances, Mr. Yoginder Singh, learned counsel for the petitioner submits, that even going by the prosecution’s



case, the solitary piece of evidence now available against the petitioner is the alleged weapon of the offence, namely a knife, which is stated to have been recovered from the petitioner on his disclosure statement; since the statement of the victim recorded on 01.06.2023 would no longer be admissible, considering that the victim is not available for cross-examination.

11. Upon an overall conspectus of the facts and circumstances of the case, the petition is allowed; and the petitioner is admitted to *regular bail* subject to the following conditions :

- 11.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court ;
- 11.2. The petitioner shall furnish to the Investigating Officer a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times ;
- 11.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court ;
- 11.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.



- 11.5. In case of any change in his residential address/contact details,
the petitioner shall promptly inform the Investigating Officer.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 3, 2024
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