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

+ **BAIL APPLN. 1056/2024 & CRL.M.A. 12793/2024**

VISHAL @ KATTU

..... Petitioner

Through: Mr. Vipin Rana, Ms. Ritu and Ms.
Rajshree, Advocates.

versus

THE STATE, GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Kulbir Singh PS Hari Nagar,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.04.2024

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1. By way of present bail application filed under Section 439 read with Section 482 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No. 269/2021 registered under Sections 302/394/397/411/120B/34 IPC at Police Station Hari Nagar, New Delhi.

2. Learned counsel for the applicant states that the applicant is in custody since 04.06.2021 and that till date only 9 out of 39 witnesses have been examined. He further submits that all the public witnesses have been examined and the witnesses namely Haroli Devi, Pooja Sharma, Sandeep Rajpal and Rajender Pal Singh, cited by the prosecution to connect the applicant with the commission of offence, have not supported their case. It is further submitted that the co-accused, namely, Naveen @ Sanjay has already been released on regular bail by this Court vide order dated 24.01.2024 passed in Bail Appln. 3594/2023.

3. On the other hand, the bail is vehemently opposed by Mr. Khanna, the



learned APP for the State. It is stated that in the present case, the applicant along with the co-accused Monu went inside the house and committed the offence wherein the deceased was killed by strangulation. He further submits that the robbed articles were recovered at the instance of the present applicant which have been later identified by Dinesh Sharma, the son-in-law of the deceased. It is also submitted that as per the CDR details collected during investigation, the location of the applicant is found near the spot. He further states that the applicant has refused to join test identification parade.

4. Considering the totality of the facts and circumstances and the period of custody as well as the fact that till date only 9 out of 39 witnesses have been examined and the only material available on record is the CDR and the recovery of robbed articles, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.20,000/- 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.

5. The bail application is disposed of in the above terms.
6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
7. Copy of the order be uploaded on the website forthwith.
8. 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 29, 2024/rd