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

+ **BAIL APPLN. 1332/2024**

MR. SUKHPREET @ BUNTY @ KANHAPetitioner

Through: Mr. Rajiv Mohan, Mr. Swapnil
Krishna, Mr. Nishant Madan,
Ms. Nitika Pancholi, Mr. Udath Singh
and Mr. Manish Kashyap, Advocates.

versus

THE STATE (NCT OF DELHI) & ANR.Respondents

Through: Ms. Meenakshi Dahiya, APP with
Insp. Heera Lal, PS: Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

04.09.2024

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1. An 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. 0666/2020, under Sections 302/392/397/34 IPC and Sections 25/27 Arms Act, registered at PS: Nihal Vihar. Chargesheet has been filed under Sections 302/392/396/397/460/120B/34 IPC and Sections 25/27 Arms Act.

2. In brief, as per the case of prosecution, on 07.06.2022, a PCR call vide DD No. 167A was received, whereby, the caller informed that nine persons had forcefully entered the premises, demanded money from them and on their refusal, one of them fired upon the friend of the caller. During course of investigation, it was revealed that Bharpreet Singh @ Saiki, who was fired upon on the right side of chest was brought dead on 07.06.2020 at DDU Hospital.



3. It is further the case of prosecution that statement of Dhara Singh was recorded, who stated that he along with his brother Satnam used to deal in bets in the house of Naresh Tilu. Further Bharpreet Singh @ Saiki, Gareeb Singh and Inderjeet @ Lala also used to deal in bets in the same house. On the alleged date of incident his brother Satnam was writing slips relating to bets in the first room of the property located behind Shop No. 01, Khasra No. 26/16. He along with Bharpreet Singh @ Saiki, Gareeb Singh and Inderjeet @ Lala were writing slips in the other room of the said property.

At around 09:30 PM, two persons entered in the room where Satnam was writing slips and robbed Rs. 5000/- by showing pistol to Satnam. Further, one of the two persons entered the other room and pointed a pistol at them. When Bharpreet Singh @ Saiki tried to snatch that pistol, he was shot on the right side of the chest. Thereafter, accused started running away and when others tried to catch hold of accused, Bharpreet Singh @ Saiki was again shot by accused before fleeing from the spot.

4. Learned counsel for petitioner submits that as per case of prosecution, petitioner was present near the shop of Ajay Properties and has been implicated merely because he allegedly met the co-accused near the said shop. The involvement of petitioner in actual commission of the said incident is denied by him. He further submits that there is absolutely no evidence or specific role attributed to petitioner.

Learned counsel further contends that two police witnesses as well as four public witnesses have already been examined who did not support the case of prosecution. He further urges that the only evidence relied upon by the prosecution against petitioner is the alleged CCTV footage of the shop of Ajay Properties, wherein, petitioner is alleged to have met the co-accused.



He vehemently contends that the time of meeting of petitioner with alleged co-accused is at variance with the statement of witnesses. It is pointed out that charge against the petitioner has been framed under Section 396 IPC and not with aid of Section 120B IPC.

5. On the other hand, learned APP for the State vehemently opposes the application and submits that petitioner has been charged under Section 396 IPC. She fairly submits that case against petitioner is solely based on CCTV footage and urges that conspiracy is implicit since petitioner had met the co-accused prior to the incident. She further contends that discrepancy in the statement of witnesses can be looked into at the stage of final arguments and further emphasizes that two police witnesses who were examined on behalf of prosecution, have stated that petitioner is the person who is seen in the CCTV footage.

6. I have given considered thought to the contentions raised.

The evidence against the petitioner is based solely on the CCTV footage regarding meeting prior to incident and police witnesses in this regard have been already examined. It has not been pointed out if the petitioner had accompanied the co-accused to the spot. Considering the facts and circumstances of the case, without expressing any opinion on merits of the case, petitioner is admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall not indulge in any criminal activity or any illegal activities during the bail period;
- (ii) Petitioner shall provide his mobile number to the Investigating



Officer (IO) /SHO, PS: Nihal Vihar at the time of release,
which shall not be changed during pending of proceedings.

Application is accordingly disposed of. Pending applications, if any,
also stand disposed of.

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

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 4, 2024/R