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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1343/2024**

SUMIT @ PANDIT

..... Petitioner

Through: Mr. Vishwendra Verma, Advocate.

versus

STATE

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Gursewak (Security) and
SI Deepak Chandra, P.S. Khyala.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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16.05.2024

1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No. 1027/2020 registered under Sections 302/120B/201/34 and Sections 25/27 of the Arms Act at P.S. Khyala.
2. Learned counsel for the applicant states that applicant is in custody since 13.02.2022 and all the eye witnesses have been examined who have not supported the prosecution case. He further submits that the only role assigned to the present applicant is that of stealing the scooty which was allegedly used in the crime. He further submits that main accused persons, who allegedly fired the shot, have already been released on regular bail. Lastly, it is submitted that applicant is not involved in any other case and only formal witnesses are remaining to be examined.
3. Learned APP for the State, on instructions, acknowledges that all the remaining accused, who have been attributed the role of firing the shot on



the deceased, have already been released on regular bail. While referring to the Status Report, Ld. APP states that the role attributed to the present applicant is that of stealing the scooty which was used by the other accused persons in the commission of crime. He also submits that the present applicant was seen in the CCTV footage alongwith other accused persons. He, on further instructions, states that in the meantime, accused *Abhishek* and *Satish*, who were declared Proclaimed Offenders, have been arrested on 25.04.2024. He, on further instructions, confirms that applicant is not found involved in any other case.

4. Considering that all the remaining accused persons except *Abhishek* and *Satish* have already been granted regular bail and keeping in view the role assigned to the present applicant and the present stage of trial, it is directed that applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/- 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 for information.

7. 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

MAY 16, 2024

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