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

+ BAIL APPLN. 1793/2023, CRL.M.A. 21420/2023 and

CRL.M.A. 21432/2023

RAJESH SINGH LAMBA

..... Petitioner

Through: Mr. K.K. Manan, Sr. Advocate with
Mr.Luv Manan, Mr. Ajit Singh, Mr. Snehasish P.,
and Mr. K.S. Chaudhary, Advocates

versus

STATE OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Vikas (Mob: 9950699055)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.01.2024

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1. By way of present application filed under Section 439 read with Section 482 of the Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.486/2013 registered under Sections 302/201/120B/34 IPC and Sections 25/27/54/59 of the Arms Act at P.S. Tilak Nagar.

2. Learned Senior Counsel for the applicant submits that the role assigned to the applicant is that of hiring one *Ravinder Rathi*, who in turn further hired another accused, for the contract killing of his brother, *Jitender Lamba* on account of business and property disputes. He further submits that the only evidence against the applicant is that of CDR connectivity with *Ravinder Rathi* as well as a video clip allegedly recorded by *Ravinder Rathi*, which was sent to the FSL, and as per the report of the FSL, there is no material on record to connect the applicant with the audio transcript of the video clip.

He further submits that one of the co-accused, being one of the



contract killer, has been directed to be released on bail by the Supreme Court vide order dated 04.12.2023 passed in S.L.P.(CrI.) No.11046 of 2023. Lastly, it is submitted that the applicant has been in custody since 11.11.2013 except for a period of two years when he was released on interim bail.

3. Learned APP for the State has vehemently opposed the bail application. He submits that the applicant is the master mind who had hired the other accused persons to eliminate his own brother. He further submits that the contract amount was paid by way of a *bayana* receipt, which was seized during the investigation. The *bayana* receipt records the receipt of an amount of Rs.12,00,000/- by *Ravinder Rathi* from the applicant. The handwriting of the applicant on the *bayana* receipt is supported by the FSL report. Also, the applicant can be seen in the video clip.

4. I have heard learned Senior Counsel for the applicant as well as learned APP for the State. As noted above, the role assigned to the applicant is that of hiring the other co-accused persons, and that the present case relates to the circumstantial evidence.

5. A copy of the FSL report on the *bayana* receipt reads as under:-

“xxx

II It has not been possible to express a definite opinion on writings & signature stamped and marked Q1 & Q2 in comparison with standard writings & signatures similarly stamped and marked S1 to S10, A1 & A2.

However, further attempt can be made if some more admitted genuine writings and signatures of contemporary period of the person concerned are procured and sent to this laboratory for examination.



xxx”

6. During investigation, voice sample of the applicant was sent to the FSL and the opinion expressed is as under:-

“xxx

(ii) No sufficient voice exemplars could be found in respect of Speaker marked Q1. Hence speaker identification test could not be carried out.

xxx”

7. The prosecution has cited 80 witnesses and the fact that Mukesh Soni has now been arrested, the witnesses need to be examined again. The nominal roll has also been received. As per the status report and the nominal roll, the applicant is not found involved in any other case.

8. On a perusal of the material placed on record, the voice sample insofar as applicant is concerned, the FSL report is inconclusive. The prosecution has alleged that the payment of money for contract killing is disguised as a bayana receipt, which aspect needs to be established in the trial.

9. Keeping in view the aforesaid facts and circumstances including the fact that the petitioner has been in custody since 11.11.2013 and the fact that the present case is based upon circumstantial evidence, the applicant is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./Trial Court and subject to the following further conditions:-



- (i) The applicant shall not leave the NCT of Delhi without prior permission of the concerned Court.
 - (ii) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
 - (iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO 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.
10. The application stands disposed of in the above terms alongwith the pending applications.
 11. Copy of this order be communicated electronically to the concerned Jail Superintendent for information.
 12. Copy of this order be uploaded on the website forthwith.
 13. 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 observations are only for the purpose of the disposal of the present application.

DASTI.

MANOJ KUMAR OHRI, J

JANUARY 8, 2024/na