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

+ **BAIL APPLN. 1921/2023**

DALIP KUMAR

..... Petitioner

Through: Mr. Pawan Sharma, Advocate.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
alongwith Insp. Jaspal Singh P.S.
Burari, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.05.2024

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1. By way of present application filed under Section 439 Cr.PC. read with Section 482 Cr.P.C., the applicant seeks regular bail in FIR No.58/2016 registered under Sections 302/34 IPC at P.S. Burari.
2. Learned counsel for the applicant submits that the applicant is in custody since 28.01.2016. Learned counsel further submits that none of the witnesses have attributed any role to the present applicant. It is stated that the applicant has been arrayed as an accused, as his name cropped up in the disclosure statement of co-accused *Rohit*. Lastly, it is submitted that the applicant is not involved in any other case.
3. Learned APP for the State has vehemently opposed the bail application. He, on instructions, submits that although the name of the applicant has been stated by the eye witnesses in their statements recorded under Section 161 Cr.P.C, however, in the testimonies recorded before the



Court, they have not stated anything against the present applicant. It is further stated that 14 witnesses are yet to be examined.

4. Having heard learned counsel for the applicant as well as learned APP for the State and keeping in mind the fact that no role has been attributed to the present applicant in the infliction of knife injury and also keeping in view the period of custody of the applicant and that no other involvement of the applicant in any other case, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- 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

MAY 17, 2024/ssc