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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1980/2023

AJAY GUPTA

.....Petitioner

Through: Mr. C. M. Sangwan and
Mr. Saksham Aggarwal,
Advs.

versus

THE STATE (GOVT. OF NCT DELHI)Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State with
Insp. Sandeep Kumar, PS
Timarpur.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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10.07.2024

1. The present application is filed seeking regular bail in FIR No. 301/2022 dated 14.08.2022, registered at Police Station Timarpur, for offences under Sections 304/34 of the Indian Penal Code, 1860 (**IPC**).
2. The FIR was registered pursuant to PCR calls recorded *vide* DD No. 59A and 60A, regarding a quarrel. It is alleged that the police reached the alleged place of incident and it was found that the quarrel had taken place between the deceased – Sunil and the accused persons, namely, Rahul, Ajay, Mukesh and others.
3. It is further alleged that the deceased was lying in injured condition and was taken to the hospital and on his way, he informed Constable Manoj Kumar that the accused persons – Rahul, Mukesh, Ajay (applicant) and Nitin had beaten him,

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which has led to injuries. The victim subsequently succumbed to the injuries.

4. It is not denied that the co-accused – Nitin, who has been attributed the same role being part of the group who had given beatings to the victim, has already been granted bail by the Coordinate Bench of this Court by order dated 10.03.2023.

5. In the opinion of this Court, the applicant is entitled for bail on the ground of parity.

6. The applicant is in custody since 15.08.2022 and the material witnesses have already been examined. Only police witnesses and some official witnesses remain to be examined by the learned Trial Court.

7. The order granting bail to the co-accused – Nitin has not been challenged by the prosecution and has attained finality. The learned Additional Public Prosecutor for the State, at this stage, has not been able to point out any difference in the role alleged against the applicant and the co-accused – Nitin.

8. In view of the above, without commenting on the merits of the case, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court/ Duty MM/ Link MM, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;



- c. The applicant shall appear before the learned Trial Court as and when directed;
 - d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
 - e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
9. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
10. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
11. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JULY 10, 2024

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