



2024:DHC:172



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

% **Reserved on : 18.12.2023**
Pronounced on : 10.01.2024

+ **BAIL APPLN. 2195/2023**

SAHIL

..... Petitioner

Through: Mr. Siddharth Pandit and Mr. Vishwa
Prakash Rai, Advocates.

versus

STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Insp. Radhey Shyam, PS Narela
and Insp. Omvir Singh, PS Narela.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 223/2019 under Sections 364/365/302/201/34 IPC registered at Police Station Narela.

2. I have heard the learned counsel for the petitioner, learned APP for the State, perused the status report and also the records of the case.



3. It is submitted by the learned counsel for the petitioner that the petitioner is in judicial custody since 04.07.2019. It is further submitted that all the material witnesses have been examined, and they have not supported the case of the prosecution. It is further submitted that the case of the prosecution rests on the last seen theory and the witnesses cited by the prosecution in support of this theory have turned hostile. It is further submitted that 22 witnesses are yet to be examined, and the trial will take a long time.

4. On the other hand, learned APP for the State has argued on the lines of the status report and has further stated that the allegations against the petitioner are serious in nature. He further submitted that the CDRs of the mobile numbers of the deceased Rajpal and all the three accused persons have been found to be active at Singhu Border between 1:16 am to 1:47 am and at DSIDC/Narela and Pocket-13, Sector-B/4, Narela (place of occurrence) between 1:59 am to 3:05 am.

5. During the course of the arguments, learned counsel for the petitioner has relied upon the testimonies of PWs 2, 4 and 6. PW-4 is the wife of the deceased who has stated to the police whatever PW-6 has told to her. PW-2 and PW-6 are the witnesses of the last seen and they have turned hostile and even failed to identify the petitioner.

6. Without commenting much on the testimonies of these three witnesses and looking into the fact that the petitioner is in judicial custody since 04.07.2019, 22 witnesses are yet to be examined and



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mostly are formal in nature, therefore, in these circumstances, the application is allowed. The petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial court concerned.

7. The petition is disposed of accordingly.

8. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

JANUARY 10, 2024/ib