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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1671/2024

PARVEEN GARG @ KAKE

..... Petitioner

Through: Mr. Hari Shankar, Mr. Sandeep Singh
and Mr. Arjun Sharma, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
alongwith SI Naveen P.S. Palam
Village.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.05.2024

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1. By way of the present application under Section 439 of Code of Criminal Procedure, 1973 (Cr.P.C), the applicant seeks regular bail in FIR No. 645/2023 registered at Police Station Palam Village for the offences punishable under Section 452/482/307/120B/34 IPC and Section 27 Arms Act.
2. Learned counsel for the applicant submits that as per prosecution case, the same relates to an incident that took place on 02.10.2023. He contends that in the FIR, it is alleged that one Roshani w/o Tara Chand was shot outside her house by co-accused Vinod @ Vicky. He submits that role assigned to the present applicant is that of being present near the house of the injured on a motorcycle and there is no allegation of him participating in



the crime. It is submitted that the chargesheet having been filed, the applicant is no longer required for any investigation. Lastly, it is stated that the applicant is in custody since 25.10.2023 and the applicant is not involved in any other case.

3. Learned APP for State opposes the bail application by stating that the applicant's presence at the spot is corroborated by the CCTV footage in which he can be seen at the corner of the street on a motorcycle. He however, confirms that the applicant is not involved in any other case.

4. I have heard learned counsels for the parties as well as learned APP for the State and have also gone through the material placed on record.

5. Keeping in view the aforesaid facts and circumstances that the injury by gunshot is not attributed to the present applicant and that the role of the present applicant is of only being present in the street outside the house of the deceased, 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/her family members 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.
- 6. The bail application is disposed of in the above terms.
- 7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
- 8. Copy of the order be uploaded on the website forthwith.
- 9. 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 24, 2024/ssc