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

+ **BAIL APPLN. 1704/2024**

PANKAJ

.....Petitioner

Through: **Mr. Sachin Kashyap, Adv.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Manoj Pant, APP with Inspector
Naresh Kumar, PS: K. N. Katju Marg.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **10.09.2024**

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0167/2019 under Sections 302/323/34 IPC registered at P.S.: K. N. Katju Marg. Chargesheet has been filed under Sections 302/323/325/34 IPC.

2. In brief, as per the case of prosecution, accused Babloo was tenant of Dinesh Yadav (complainant) and on demanding pending dues on 01.05.2019, Babloo assaulted the sons of complainant. Further, on the same day, Babloo along with his brother Pankaj (petitioner herein) and 'A' (CCL) attacked the sons of complainant namely Gandhi Yadav, Rajan Yav and Raj Kumar @ Raja with knife, causing death of Raj Kumar @ Raja and stab injuries were inflicted to other family members including Dinesh.

3. Learned counsel for petitioner submits that petitioner is in custody for a period of about 05 years and cross-FIR No. 0168/2019, under Sections 307/324 IPC has been registered at instance of petitioner. It is also pointed out



that accused in cross-FIR is also in custody and both the FIRs are being taken up together.

4. On the other hand, learned APP for State vehemently opposes the application and points out that material witnesses are yet to be examined and may be influenced in case petitioner is released on bail at this stage.

5. This Court is of the considered opinion that since material witnesses are yet to be examined, influencing of witnesses cannot be ruled out. Statement of Gandhi Yadav as well as other injured clearly reflects that injured party was attacked with knives by Babloo, Pankaj (petitioner herein) and 'A' (CCL). Since, the assault has been made in furtherance of common intention by the accused armed with knives, no grounds for bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 10, 2024/R