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

+ BAIL APPLN. 1712/2024
RAJNEESH BISHT@RAVI

.....Petitioner

Through: Mr. Rahul Lather, Advocate.
versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with Insp. Rajpal, and Insp. Ritesh Roy,
PS: Wazirabad.
Mr. Prashant Prabhakar, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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11.07.2024

1. This petition has been filed seeking bail in FIR no. 78/2023 under Sections 307 (subsequently changed to 302) 323/34 IPC registered at PS Wazirabad.
2. The trial is underway and examination by way of chief has been recorded of three material witnesses. The petitioner was arrested on 14th April, 2023.
3. The FIR was registered on the complaint of one Chiranjiv Raghav who stated that they were staying in Paschim Vihar Extension and have a family plot of 272 yards in Burari.
4. There was a dispute going on regarding the partition of the property. On 20th January, 2023, they went to the plot and at 12.50 p.m., Shivam Bhati came to the plot and it was noticed that there was another lock with an iron chain. Thereafter, scuffle ensued between Shivam Bhati and Sunil Kumar's sons, Karan and Paras and their mother Sadhana. It is stated that in this scuffle, a



piece of brick was used to hit Shivam and then later on Karan brought a wooden bat. The injured was taken to hospital and subsequently Chiranjiv's maternal uncle Lal Singh who was also there in the *melee*, died.

5. Counsel for the petitioner states that he was not named in the FIR and was implicated subsequently. He was visiting the family of Paras, since he was Paras's friend and got involved in this scuffle, but he did not get involved in any act which led to the death of the deceased.

6. The CCTV footage merely shows him slapping and pointing to one of the co-accused. He further states that he had gone to the police station when summoned and did not try and escape and cooperated with the investigation. He further stated that he is a B. Tech student of 22 years of age and has been incarcerated since more than a year.

7. In view of these facts and circumstances, no purpose served for keeping the petitioner in custody as an undertrial. The trial has already commenced and the petitioner is not part of the family who had a dispute, as a result of which the scuffle ensued.

8. In light of the above and that the trial in the matter is likely to take some time and further, it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.



- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
 - iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioner shall join investigation as and when called by the IO concerned.
 - v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
9. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 11, 2024/RK