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

+ **BAIL APPLN. 2578/2023**

RANJEET SINGH @ RAJA

..... Petitioner

Through: Mr. Rakesh Chandra Agarwal & Mr.
Anurag Ahluwalia, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Hemant Mehla, APP for the
State with Ms. Mridul Sharma,
Advocate.
Insp. Anupam, Supreme Court
Security & Insp. Love Atrey, P.S.
GTB Enclave.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **29.04.2024**

1. This is the second application under Section 439 read with Section 482 of the Cr.P.C. seeking regular bail in case FIR No. 100/2017, under Sections 302/365/201/34 of the IPC, registered at P.S. G.T.B. Enclave.
2. *Vide* order dated 15.07.2021, the application bearing BAIL APPLN. 830/2021, was dismissed by the learned Single Judge of this Court while observing that one public witness, namely, Chintu Sharma, had to be examined. It is pointed out that the said witness, Chintu Sharma, has been examined before the learned Trial Court as PW-4. Hence, the present application has been preferred.
3. The case of the prosecution is that the instant FIR was registered on



the complaint of one Sh. Manoj Pal, who had alleged that his younger brother, Deepak @ Govind (deceased) was missing since 31.03.2017. It is stated that his brother was working at Motor Magic Maruti Company, Shahibabad Industrial Area. On enquiry, he got to know that on 31.03.2017, his brother alongwith one girl, namely, Rakhi, who is his co-worker, was returning home after work. It is stated that on the way at around Ramparsth Red Light, 03 boys met him and one of which is the present applicant and it is alleged that the present applicant stopped the deceased's bike and thereafter, all of them had gone to Cross-River Mall, where they had drinks. It is further stated that after some time, the present applicant had dropped Rakhi at her house and then again, the deceased alongwith the present applicant and other co-accused persons had drinks at the parking of GTB Hospital and since then his brother was missing. It is stated that he had suspicion on the present applicant as well other co-accused persons. After investigation, chargesheet in the present case has been filed and the matter is at the stage of prosecution evidence.

4. Learned counsel appearing on behalf of the applicant submits that the statement given by the complainant was on the basis of the statement given to him by Rakhi. It is pointed out that the said Rakhi has been examined as PW-3, who has stated in her examination-in-chief that she was dropped off by the present applicant at 07:30 PM and thereafter, she was declared hostile by the learned APP for the State as she did not support the prosecution case. Similarly, the other witnesses whom the prosecution has relied upon as last seen alongwith the deceased on their motorcycle have not supported the prosecution case. The said witnesses have been examined as PW-4, PW-5 and PW-6. The CCTV footage as relied upon by the prosecution also could



not be played and therefore, the prosecution case *qua* the present applicant is based purely on circumstances. It is submitted that the prosecution has examined all the relevant public witnesses and out of 30 witnesses cited by the prosecution, 21 witnesses have already been examined. It is further pointed that an application was moved by the prosecution for submission of a pendrive containing CCTV footage of the petrol pump; however, the said application subsequently, on a statement made by the learned APP has been dismissed as withdrawn *vide* order dated 09.04.2024, passed by the learned Trial Court. It is further submitted that the present applicant has been in judicial custody since 10.04.2017 and as of now, he has undergone approximately more than 07 years of judicial incarceration. It is further submitted that the applicant had been released on interim bail from 01.03.2023 to 22.03.2023 and he had duly surrendered without misusing the liberty granted to him.

5. *Per contra*, learned APP for the State, on instructions of the Investigating Officer, submits that PW-3/Rakhi, although has been declared hostile; however, she has come on record to state that they were all together on 31.03.2017 at the relevant point in time. It is submitted that the body of the deceased was recovered at the instance of the present applicant alongwith other co-accused persons. Similarly, the motor cycle of the deceased and his SIM card were also recovered at the instance of the accused persons.

6. Heard learned counsel for the parties and perused the record.

7. The prosecution has relied upon the statements of petrol pump attendants to show that the present applicant and the co-accused persons were seen with the deceased, who was alleged to have been sitting between



them in an unconscious position. The said incident as per the case of the prosecution was captured by the CCTV footage at the petrol pump. It is a matter of record that the aforesaid witnesses, i.e., petrol pump attendants have refused to identify the present applicant before the learned Trial Court. Similarly, the CCTV footage could not be played to demonstrate the presence of the present applicant at the relevant point in time. The other circumstances as alleged by the prosecution *qua* the present applicant and the aforesaid evidence will be determined by the learned Trial Court after completion of the evidence.

8. As per nominal roll received from the concerned Jail Superintendent, as of 13.09.2023, the present applicant has been in judicial custody for 06 years, 04 months and 13 days. It is a matter of record that the relevant public witnesses have already been examined and the remaining witnesses, who are yet to be examined, are formal in nature. The applicant had been released on interim bail and had duly surrendered after expiry of the same.

9. In totality of the facts and circumstances, The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave NCT of Delhi without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.



- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
10. The application is allowed and disposed of accordingly.
11. Pending application(s), if any, also stand disposed of.
12. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
13. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
14. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 29, 2024/bsr

Click here to check corrigendum, if any