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

+ BAIL APPLN. 3561/2020 & CRL.M.(BAIL) 762/2022 &
CRL.M.(BAIL) 849/2023

RAHUL SINGHAL

..... Petitioner

Through: Mr Ashutosh Bhardwaj, Advocate.

versus

STATE

..... Respondent

Through: Mr Ritesh Kumar Bahri, APP for the
State with Insp. Mukesh Kumar
Sharma, SI Lal Chand, PS Vasant
Kunj South.

Mr Abhir Datt, Mr Debayan
Gangopadhyay and Mr Anurag
Rawal, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

29.04.2024

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1. The present bail application has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.0298/2019 under Sections 307/212 IPC and Sections 25/27/54/59 of the Arms Act registered at PS Vasant Kunja (South).

2. The case of the prosecution is that the petitioner/accused and the complainant were known to each other for a long time and the petitioner had taken a loan from her for an amount of Rs.2.6 lakhs. When the complainant went to meet the petitioner and asked for return of loan amount in Saket, the petitioner withdrew an amount of Rs.20,000/- from the ATM and gave it to



her and stated that he will repay the remaining amount after arranging it from somewhere, thus, she went along with the petitioner in his vehicle. At a secluded place in the area of Vasant Kunj, the petitioner stopped the vehicle and fired gun shot at the complainant in which the complainant suffered injury on her cheek.

3. Learned counsel for the petitioner submits that the petitioner has remained in custody for a period of 15 months and the testimony of the complainant has already been recorded.

4. He invites the attention of the Court to the order dated 27.04.2023, to contend that the complainant had deliberately not appeared before the learned Trial Court for recording of her statement at least for a period of one year which led to the delay in trial. It is only on a direction being given by this Court that the complainant came forward and got her testimony recorded.

5. He submits that offence weapon has already been recovered and the investigation is complete and the trial is underway, therefore, the custody of the petitioner will not serve any useful purpose.

6. He further submits that on various occasions, the petitioner was released on interim bail and the petitioner never misused the liberty so granted to him. Whenever the petitioner was released on interim bail, he regularly appeared before the learned Trial Court for the purpose of trial.

7. It is further the contention of the learned counsel that the prosecution has cited as many as 28 witnesses in the chargesheet and only 03 witnesses have been examined till date, therefore, the conclusion of trial is likely to take long time.

8. He further submits that apart from the present case, one other case is



registered against the present petitioner, however, the FIR in the said case has already been quashed, therefore, besides the present case there is no other case pending against the present petitioner. He, therefore, urges the Court to enlarge the petitioner on bail.

9. *Per contra*, learned APP for the State has argued on the lines of the status report.

10. Learned counsel for the complainant submits that the offences invoked against the present petitioner is serious. He further submits that 04 public witnesses who had taken the complainant to the hospital are yet to be examined. He submits that in the event, the petitioner is enlarged on bail, there is likely possibility that the petitioner may try to influence the said witnesses. He, therefore, urges the Court that the present bail application of the petitioner be rejected.

11. He also refutes the allegation of the learned counsel for the petitioner that the complainant did not deliberately appear before the learned Trial Court for recording of her testimony.

12. I have heard the learned counsel for the petitioner, learned APP for the State, as well as, the learned counsel for the complainant.

13. It is not in dispute that the recovery in the matter has been affected and the testimony of the sole eye witness has already been recorded. Insofar as the other four witnesses are concerned, it is not in dispute that the said witnesses are not the eye witnesses. Infact the said witnesses are the persons who had taken the complainant to the hospital.

14. Insofar as the apprehension expressed by the learned counsel for the complainant that the petitioner may try to influence the said witnesses, the same could be allayed by imposing appropriate conditions.



15. It is trite law that the seriousness of an offence cannot be the sole ground to reject the bail. Other factors also need to be considered. In the present case, the prosecution has cited as many as 28 cases and till date only 03 witnesses were examined which goes to show that the trial is going to be a protracted one. In the given facts and circumstances, the petitioner cannot be kept in custody for an indefinite period to await the outcome of trial, the conclusion of which is nowhere in sight.

16. On a query posed by the Court, learned APP for the State, on instructions from the IO, fairly states that the present case is the only case which is pending against the present petitioner. It is also not the case of the prosecution in the status report that the present petitioner is a flight risk. Nevertheless, availability of petitioner during the trial could be ensured by imposing the conditions.

17. Considering the aforesaid facts in totality, as well as, custody period of 15 months, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.



c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

18. The petition stands disposed of.

19. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

20. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

21. Order be uploaded on the website of this Court.

22. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

APRIL 29, 2024

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