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

+ **BAIL APPLN. 2184/2024 & CRL.M.A. 18683/2024**

SUMIT BHARDWAJ ALIAS BAHMANApplicant

Through: Mr. Varun Rana, Adv.

versus

STATE

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State with
Insp. Ram Manohar, SHO
PS Subzi Mandi and SI
Mahendra Patel, PS
Narela.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.09.2024

1. The present bail application is filed seeking regular bail in FIR No. 652/2018 dated 13.09.2018, registered at Police Station Narela, for offences under Sections 302/307/379/34 of the Indian Penal Code, 1860.

2. It is not disputed that the co-accused persons, namely, Shiv @ Lala and Sachin Khatri @ Cheema, have already been admitted on bail.

3. This Court, by order dated 11.01.2024, while granting bail the co-accused Shiv @ Lala, had noted that the complainant Naveen (PW-1), in his examination before the learned Trial Court, was unable to identify the persons who had caused injuries to him and the deceased since it was dark at that time and he could not see the faces of the assailants properly.

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4. It is also not disputed that the FSL report in regard to the knife allegedly recovered at the instance of the applicant, which as per the prosecution was allegedly used in the commission of the offence, is negative as the DNA profile from the same did not match the DNA sample of the victim.

5. The applicant is in custody since 21.09.2018 and except the period for which he was released on interim bail, he has been in custody. The nominal roll indicates that the applicant has spent more than four years in custody.

6. It is not alleged that the applicant, while on interim bail, has misused the liberty.

7. On being asked, it is pointed out that only two witnesses out of 38 witnesses have been examined till date. In such circumstances, the trial is not likely to conclude in near future. No purpose would be served by keeping the applicant in further incarceration.

8. Considering the aforesaid and without commenting further on the merits of the case, this Court is of the opinion that the applicant has made out a case for grant of bail on the ground of parity.

9. In view of the above, the applicant is directed to be released on bail on him furnishing a personal bond of ₹50,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- i. The applicant shall provide his address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- ii. The applicant shall not travel beyond the boundaries of NCT of Delhi under any circumstances without



- informing the concerned IO/SHO;
- iii. The applicant shall not in any manner try to contact or influence any of the prosecution witnesses, particularly the complainant;
 - iv. The applicant shall join and cooperate with the investigation as and when directed;
 - v. The applicant shall appear before the learned Trial Court on every date of hearing;
 - vi. The applicant shall not indulge in any criminal activity;
 - vii. The applicant shall provide his mobile number to the concerned Investigating Officer/SHO, and shall keep the same operational at all times.

10. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application, and should not influence the outcome of the trial. The said observations should also not be taken as an expression of opinion on the merits of the case.

12. The bail application stands disposed of in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 11, 2024

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