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

+ **BAIL APPLN. 2186/2024**

ARJUN

.....Petitioner

Through: Mr.Naushad, Advocate

Versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Aashneet Singh, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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09.10.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.224/2015 registered under Section 302 IPC at P.S. Sultanpuri, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 09.03.2015 and all the prosecution witnesses have been examined. He further submits that as per the prosecution case, the deceased was having extra marital relations with the applicant's wife. In the chargesheet, it is further alleged that the incident occurred in the *jhuggi* of the present applicant, when the deceased had come to meet the applicant's wife. He further submits that the weapon used at the time of commission of the offence is a kitchen knife that was picked up from the spot on account of the altercation and the sole injury caused was on the left thigh of the deceased. He submits that there was no premeditation or knowledge that the same would lead to death. It is further submitted that initially the case was



registered under Section 307 IPC, however, later, on account of death, the same was converted to 302 IPC. It is further submitted that the sole injury to thigh would not come in the purview of Section 302 IPC. Lastly, it is submitted that the applicant is not involved in any other case.

3. Learned APP for the State has opposed the present bail application. He submits that though the applicant's wife has not supported the case of the prosecution, two independent witnesses namely, *Vivek* and *Suman* have supported the prosecution case. He submits that the prosecution evidence is closed and the matter is now fixed for recording the statement of the accused under Section 313 Cr.P.C. He, on instructions, further submits that not only the weapon of offence was recovered at the instance of the present applicant but the same was also sent for forensic examination and the blood of the deceased was also found matching. Further, the medical opinion has been obtained, as per which, the injury was possible with the said weapon. He, on instructions, submits that the weapon used was a kitchen knife and as per the prosecution, the same was lying in the house of the applicant. He, on instructions, confirms that the applicant is not found to be involved in any other case.

4. At this stage, learned counsel for the applicant submits that the recovery of the weapon used is from an open *nala* and not from a closed space.

5. I have heard learned counsel for the parties and have also gone through the material placed on record. The applicant is stated to have been in custody since 09.03.2015 and all the material witnesses have been examined.



6. Considering the facts and circumstances of the case and the fact that the incident occurred on the spur of the moment, the weapon of offence used and the single injury on the left thigh of the deceased, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty J.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the



trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

OCTOBER 9, 2024

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