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

+ **BAIL APPLN. 2253/2024**

PINTU KUMAR

.....Petitioner

Through: Mr. Manoj Singh, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Abhilash

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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04.07.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.258/2013 registered under Sections 302/506/120B/34 IPC at PS Nihal Vihar.

2. Learned counsel for the applicant submits that the applicant was arrested on 05.08.2013 and thereafter has been released on bail in pursuance of the HPC guidelines from 30.06.2020 till 21.04.2023, which concession has not been misused by him. It is further submitted that as per the prosecution case, the role assigned to the present applicant is that of keeping watch while it is the co-accused who allegedly caused the fatal injuries. The present applicant also seeks parity with co-accused, *Rajdev* who has been released on bail by an order of a Co-ordinate Bench of this Court vide order dated 30.04.2024 passed in BAIL APPLN. 1933/2023. It is further submitted that the trial has taken a long time and the matter is still at the



stage of prosecution evidence. Lastly, it is submitted that the applicant is not involved in any other case.

3. Learned APP for the State has vehemently opposed the bail application. He submits that one of the co-accused namely, *Ajay* was released and has absconded. He also submits that the matter is at the fag end and only 1 or 2 prosecution witnesses are remaining to be examined. Learned APP however, on instructions, acknowledges that the role attributed to the present applicant is similar to the co-accused *Rajdev*, who has already been released on regular bail. The Status Report has also been taken on record.

4. Keeping in view the aforesaid facts and circumstances including the fact that the applicant has been in continuous custody since 05.08.2013 except for a period when he was released on bail in pursuance of the HPC guidelines, which concession has not been misused by him, 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 M.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 Trial 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.
5. The bail application is disposed of in the above terms.
6. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
7. Copy of the order be uploaded on the website forthwith.
8. 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

JULY 4, 2024

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