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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2340/2024**

VINOD PASWAN @ GOLU

.....Petitioner

Through: Mr. Shri Singh, Mr. Satyam Thareja,
Mr. Vasundhara Nagrath, Mr. Nitin
Sharma, Mr. Yash Hari Dixit and Mr.
Gurjot Singh, Advocates.

versus

STATE (GNCTD)

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with Insp. Om Prakash, P.S. Vivek
Vihar and Insp. Dharmender (IO).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.08.2024

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1. By way of the present bail application, the applicant seeks regular bail in FIR No. 239/2020 registered under Sections 302/120-B/411/201/34 IPC at P.S. Vivek Vihar.
2. Ld. counsel for the applicant submits that the applicant has been in custody since 12.09.2020. He submits that the charge-sheet in the present case was filed on 10.12.2020 and till date only three witnesses have been examined. It is further submitted that the present case is based on circumstantial evidence and the only witness cited against the present applicant is one *Sushil Kumar*. Learned counsel for the applicant submits that even as per the statement of *Sushil Kumar* recorded under Section 161 Cr.P.C., he states that prior to the incident while co-accused *Surender @*



Sunny had promised to kill the deceased/*Sanjeev Malhotra*, the present applicant had assured of helping him. He submits that other material cited against the applicant is of his being at the spot through the CDR location chart. He further submits that even as per the prosecution case whereby the deceased was strangled to death, the role attributed to the present applicant is of standing outside and keeping a watch. Lastly, it is stated that the applicant is not involved in any other case.

3. Ld. APP for the State, on the other hand, has opposed the bail application. He, on instructions, states that witness *Sushil Kumar* is yet to be examined in Court. He submits that besides the statement of witness/*Sushil Kumar* and the CDR location there is no other material against him. He, on instructions, further confirms that applicant is not found involved in any other case.

4. I have heard learned counsels for the parties and perused the material available on record, more particularly the statement of *Sushil Kumar*, who is a witness to the conspiracy.

5. A reading of the statement of *Sushil Kumar* would show that the only allegation against the present applicant is of assuring help to the co-accused *Surender @ Sunny*. Concededly, the entire prosecution case is based on the circumstantial evidence. There is no recovery at the instance of the present applicant. Considering the aforesaid, this Court deems it fit to release the applicant on regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty JM 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.

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

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

8. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

AUGUST 12, 2024

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