



\$~5

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

+ **BAIL APPLN. 2360/2024**

SANDEEP

.....Petitioner

Through: Mr. Jitendra Sethi, Mr. Shobit and
Mr. Hemant Gulati, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with Inspector Murtija Khan and SI
Amit PS Nabi Karim, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.08.2024

%

1. By way of present bail application, the petitioner/applicant seeks regular bail in FIR No. 319/2020 registered under Sections 302/34 IPC at Police Station Nabi Karim, Delhi.

2. Learned counsel for the applicant submits that the present case came to be registered on the statement of one Shalu, that the deceased who was her husband, had before his death disclosed the name of the present applicant along with the other co-accused persons, as the one who had inflicted injuries on him. He further submits that the applicant was taken into custody on 13.11.2020 and since then, he has remained in custody. It is also stated that the applicant was previously released on interim bail under the HPC Guidelines, a concession which he did not misuse.

Learned counsel further submits that Shalu failed to appear in trial and was eventually dropped from the list of witnesses and that the two eye witnesses, namely Ajay and Jai Bhagwan @ Rakesh, have not supported the



prosecution case insomuch as they have not identified the present applicant. It is also stated that though all material witnesses have been examined, the prosecution has cited a total of 31 witnesses and therefore, the trial is expected to take a long time to conclude.

3. Learned APP for the State has opposed the bail application by contending that in the present case, it is the applicant who bore a grudge against the deceased as prior to the incident, the deceased had slapped him. He submits that on account of revenge, the accused persons had colluded to teach the deceased a lesson and as a result of which, knife injuries were caused to the deceased. The injury numbers 7 and 8 were opined to be fatal.

4. I have heard the learned counsel for the parties and gone through the material placed on record.

5. The allegations against the present applicant is of causing fist blows to the deceased. The knife injuries were attributed to the co-accused, Sachin Solanki @ Vishu. Moreover, the knife used in the incident was also recovered at the instance of the said co-accused.

6. It is not disputed that while the wife of the deceased, namely Shalu, has been dropped from the array of witnesses, the other two eye witnesses have not supported the prosecution case on the identity of the present applicant.

7. Considering the totality of the facts and circumstances and the role ascribed to the present applicant as well as the period of custody undergone and the further fact that all the material witnesses have already been examined, 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 Judicial Magistrate First Class 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.

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

9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

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

11. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and 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

AUGUST 16, 2024/rd