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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3334/2023**

JAFRU

.....Petitioner

Through: Mr.A.M. Khan, Mr.Abhishek Sisodia,
Mr.Anurag and Mr.Abhishek Singh,
Advocates

versus

STATE THROUGH SHO

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with Mr. Sahil Arora, Mr. Vishwajeet
Singh, Ms. Ritu Kapoor Arora, Mr.
Vijay Pratap Singh, Ms.Priyanka
Mishra, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.08.2024

1. By way of the present application, the petitioner/applicant seeks regular bail in FIR No.341/2016 registered under Sections 302/394/120B/34/174A IPC at P.S. Harsh Vihar, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 13.11.2022. He submits that though the prosecution has filed the chargesheet against the present applicant on the basis of Section 120B IPC, however, besides the disclosure statement, the only other material collected by the Investigating Officer is the statement of one witness namely *Iqbal Hussain*, who had, in his statement recorded under Section 161 Cr.P.C., stated that he overheard the co-accused giving a call to the present applicant. He submits that the said witness *Iqbal Hussain* has been examined



as PW-2 and does not conclusively establish even that material against the applicant.

3. Learned APP for the State has opposed the bail application. He, on instructions, submits that the applicant was part of the conspiracy to eliminate *Shakir @ Teetar*. He, on instructions, submits that there is no other material witness, insofar as the present applicant is concerned, who remains to be examined. He further submits that the applicant failed to join the investigation and was declared a proclaimed offender and that the applicant is also involved in other cases of similar nature.

4. I have heard learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. The only material cited against the present applicant is the testimony of *Iqbal Hussain* and that too of a conversation that has allegedly taken place between the co-accused persons. It is the case of the prosecution that after the incident, one of the accused persons has informed the present applicant.

5. Keeping in view the aforesaid facts and circumstances and considering the period of custody and the aforementioned material against the present applicant, it is directed that the applicant be released on regular bail, subject to his 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 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 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 electronically for information.

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

9. 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

AUGUST 5, 2024

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