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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3347/2023**
AMIT DAHIYA @BUNTY Applicant
Through: **Ms.Inderjeet Sidhu and**
Mr.Akshay Kumar, Advs.
versus

STATE Respondent
Through: **Mr.Aman Usman, APP with**
Insp. Pawan Kumar

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

% **ORDER**
04.03.2024

1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') read with Section 482 of the Cr.P.C., praying for the applicant to be released on bail in FIR No.139/2018 registered at Police Station: Alipur, Rohini, Delhi under Sections 302/201 of the Indian Penal Code, 1860 (in short, 'IPC').
2. It is the case of the prosecution that the abovementioned FIR has been registered on a report received of the murder of the deceased, who was working as a taxi driver with OLA Company. It is alleged that the co-accused, namely, Mr.Rahul Saini, Mr.Hemant @ Gujjar and Mr.Naimuddin @ Navin were apprehended on 29.03.2018, having one pistol each and one live cartridge each. The other two accused persons are stated to have escaped from the spot but were apprehended later at the instance of the above-three mentioned accused persons. In the course of interrogation, they disclosed the involvement of the



applicant herein and stated that they have murdered the deceased and looted his car and other belongings. The applicant was later apprehended and he confessed to the crime. The applicant herein is stated to have led to the recovery of the wire of the GPS of the vehicle belonging to the deceased. Based on the above allegations, the charge-sheet has been filed.

3. The learned counsel for the applicant submits that all the co-accused have already been released on bail. She submits that the applicant, however, was denied bail by the Order dated 28.08.2023 passed by the learned Additional Sessions Judge-3 (North), Rohini Courts, Delhi, only on the ground that the applicant had failed to surrender on time after he had been released on *interim* bail due to Covid-19 Pandemic and under the HPC Guidelines. She submits that the applicant had, in fact, appeared before the learned Trial Court on 17.07.2023 on his own and, therefore, there was no intent of absconding from the process of law. She submits that the applicant is not involved in any other criminal case and the trial is likely to take long.

4. On the other hand, the learned APP submits that the applicant has misused the indulgence granted to him of releasing him on *interim* bail due to Covid-19 Pandemic and under HPC Guidelines. He submits that the applicant was to surrender on 07.04.2023, however, he did not surrender on time. He was apprehended only on 17.07.2023 when the applicant appeared before the learned Trial Court. He submits that the plea of the applicant that he was told that his name was not appearing in the list of convicts who have to surrender, cannot



be believed. He further submits that the charges against the applicant are heinous and, therefore, he should not be released on bail.

5. I have considered the submissions made by the learned counsels for the parties.

6. As is noted hereinabove, all the co-accused have already been released on bail. The applicant was not granted bail only for the reason that he had not surrendered on time after the expiry of the *interim* bail granted to him under the HPC Guidelines. The fact, however, remains that the applicant had appeared before the learned Trial Court voluntarily and on his own on 17.07.2023, when he was again taken into custody. As per the Nominal Roll received from the concerned Jail Superintendent, he has already undergone custody for more than 2 years and 9 months, his conduct in the jail is satisfactory, and there is no prior criminal case against the applicant reported to be pending or where he has been convicted. The trial is likely to take long.

7. Accordingly, it is directed that the Applicant be released on bail in FIR No.139/2018 registered at Police Station: Alipur, Rohini, Delhi under Sections 302/201 of the IPC, on furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
- ii. The Applicant shall provide his permanent address to the learned Trial Court. The Applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any



change in his residential address.

- iii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.
 - v. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses.
8. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Bail and shall not be construed as an expression on the merits of the matter.
9. The application is disposed of in the above terms.
10. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.
11. *Dasti.*

NAVIN CHAWLA, J

MARCH 4, 2024/ns/rp

Click here to check corrigendum, if any