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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 3372/2022, CRL.M.(BAIL) 1237/2023, CRL.M.A.
24867/2022, CRL.M.A. 1403/2023, CRL.M.A. 23812/2023 and
CRL.M.A. 23813/2023
DEVENDER @ MANU Petitioner
Through: Mr.R.P. Luthra and Mr.Manjeet
Singh, Advs.
versus
THE STATE GOVT OF NCT DELHI Respondent
Through: Mr.Laksh Khanna, APP for State.
Inps. Shashi Kant, PS Geeta Colony,
Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

07.02.2024

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1. By way of present application filed under Section 439 Cr. P.C. read with Articles 21, 14, 375 and 141 of the Constitution of India, the applicant seeks regular bail in FIR No. 457/2017 registered under Section 302/307/34 IPC at P.S. Geeta Colony, Delhi.
2. Mr. R. P. Luthra, learned counsel for the applicant submits that the applicant is in custody since 19.09.2017 and was aged 20 years at the time of offence. He submits that as per the prosecution case, the incident occurred on the spur of moment, and that there was no prior motive or enmity. He states that the material witnesses have already been examined. He further states that out of the 36 only 17 witnesses have been examined so far. Applicant is not involved in FIR No. 239/2019 registered under Section 25/54/59 Arms Act, PS Geeta Colony, Delhi.
3. Mr. Laksh Khanna, learned APP for State, on the other hand, has opposed the bail application. He submits that the incident occurred on



17.09.2017 when the deceased along with his friends Mr. Gaurav Sharma and Mr. Ashish Tyagi was passing through and on seeing an argument going on between the accused and the cab driver namely *Naveen Arora*, tried to intervene. The present applicant took out a knife and inflicted blows on the chest of the deceased. When Mr. Gaurav Sharma tried to intervene, he was also given three knife blows on the thigh, stomach and neck.

4. Mr. Laksh Khanna states that though all the witnesses have supported the prosecution case and have identified the present applicant as the one who inflicted the fatal blow on the deceased as well as on the injured Gaurav Sharma, one witness i.e. Ram Lal Saini is yet to be examined. The knife was also recovered at the instance of the applicant, and the blood stains on the knife matched with the blood of the deceased.

5. Besides Gaurav Sharma and Ashish Tyagi, the prosecution has also cited one passer-by namely Praveen Bansal who made the PCR call; Naveen Arora, Cab Driver and Ram Lal Saini, who was working in a nearby Dhaba. While Ram Lal Saini is yet to be examined, Praveen Bansal examined as PW-11 identified the applicant as the person who had inflicted the knife blows on the deceased.

6. A perusal of the testimony of the eye-witness reveals that beside knife blows, the applicant also inflicted fist and stick blows on the deceased and also on the injured witness. The said injuries are corroborated by the post-mortem report of the deceased and MLC of the injured witness.

7. I find no ground to entertain to entertain the present bail application.

8. The present bail application is dismissed.

MANOJ KUMAR OHRI, J

FEBRUARY 7, 2024/aks