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

+ **BAIL APPLN. 3563/2023**

VINOD KUMAR

..... Petitioner

Through: Mr. R. S. Malik, Mr. Sahil Malik, Mr. Abhishek Kumar, Mr. Nakul Khatri, Mr. Sumit Sheoran and Mr. Sahil Lakra, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State alongwith Inspector Naveen Kumar and Inspector Samir Jha P.S. Shalimar Bagh.
Mr. Harikesh Singh and Ms. Mandeera Sinhmar, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.04.2024

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1. By way of the present application filed under Section 438 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No. 527/2020 registered under Sections 302/120B IPC read with Section 25/27 of Arms Act at P.S. Samaypur Badli.
2. Learned counsel for the applicant states that the present case is based upon circumstantial evidence and that the prosecution has cited 3 witnesses namely *Chetan*, *Neeraj* and *Lalit*, as last seen witnesses, who have already



been examined. Out of the said witnesses, *Chetan* and *Lalit* have not supported the case and have turned hostile. He further submits that even otherwise the said witnesses are relevant only with regard to the co-accused 'A', who is JCL and who has committed the murder. It is submitted that the applicant has been in custody since 08.09.2020 and is not involved in any other case. Lastly, it is submitted that only 17 out of the 30 witnesses have been examined till date and that the trial is likely to take time.

3. The bail application is vehemently opposed by learned APP duly assisted by learned counsel for the complainant, stating that JCL is none other than the applicant's son. As per prosecution case, the present applicant alongwith his son and co-accused *Rahul Rana @ Rinku* entered into a conspiracy to murder the deceased as there were constant quarrels between the deceased and the applicant's wife. Learned APP for the State, on instructions, submits that though it was the JCL who had fired the gunshot, the applicant had conspired with his son for carrying out the murder of the deceased.

4. I have heard learned counsels for the parties and have also perused the material placed on record.

5. On a specific query, it is informed that insofar as the present applicant is concerned, the only evidence against him is the disclosure statement of the co-accused JCL.

6. Statedly, the applicant has been in custody since 08.09.2020. As per the prosecution case, the last seen witnesses are relevant only qua the JCL since it was the JCL who was last seen in the company of the deceased.

7. Keeping in view the aforesaid facts and circumstances including the fact that the material witnesses have been examined and only police



witnesses remain to be examined as well as the fact that the applicant is not involved in any other case, 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.
8. The bail application is disposed of in the above terms.
 9. Copy of the order be communicated electrically to the concerned Jail Superintendent for information.
 10. Copy of the order be uploaded on the website forthwith.
 11. 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

APRIL 05, 2024/ssc