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

+ **BAIL APPLN. 3594/2023 and CRL.M.A. 2454/2024**

NAVEEN @ SANJAY

..... Petitioner

Through: Mr.Hirein Sharma and Mr.Anil Dalal,
Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State with
SI Manjeet Singh

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.01.2024

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1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No.269/2021 registered under Section 302/394/397/411/120B/34 IPC at P.S. Hari Nagar, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in judicial custody since 06.06.2021 and that the only allegation against the present applicant is that he stood guard outside the house of the deceased while the offence was committed by the co-accused persons namely *Monu* and *Vishal @ Katto*. He submits that for alleging the same, the prosecution has relied only on the disclosure statement and that there is no other independent witness. Even the security guard *Mr. Rajender Pal Singh* who has been examined, has not stated about the presence of the present applicant outside the house of the deceased. Further, the prosecution has



examined two witnesses from the neighbourhood namely, *Smt. Haroli Devi* (PW-2) and *Nand Kishore* (PW-3), who have also not stated about the presence of the present applicant. He has further handed over a copy of an application filed by the petitioner placing on record additional documents i.e., testimonies of certain prosecution witnesses, and the same is taken on record.

3. Learned APP for the State has vehemently opposed the bail application. He submits that the applicant's name came up in the disclosure statement of the co-accused, whereafter a pair of golden colored earrings was recovered at his instance, which was later identified by the deceased's family. He further submits that the applicant's presence on the spot is also reflected as per the CDR collected and that he is found to be in touch with the co-accused on phone. He, on instructions from SI Manjeet Singh, submits that there is no other material against the present applicant. He also submits that the applicant is not found involved in any other case.

4. I have heard the learned APP for the State as well as learned counsel for the applicant and have also gone through the material placed on record.

5. The accused has been in judicial custody since 06.06.2021 and all the independent witnesses including the public witnesses stand examined. Insofar as the present applicant is concerned, it is not denied that none of the witnesses have stated about the presence of the applicant on the spot on the day of the incident. The applicant's name has only been stated in the disclosure statement of the co-accused.

6. Keeping in view the aforesaid facts and circumstances including the fact that the applicant has been in custody since 06.06.2021, the fact that the applicant is not involved in any other case as also the fact that all the



material witnesses stand examined, the applicant is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./Trial Court and subject to the following further conditions:-

- (i) The applicant shall not leave the NCT of Delhi without prior permission of the concerned Court.
 - (ii) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
 - (iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO 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.
7. The application stands disposed of in the above terms alongwith the pending application.
 8. Copy of this order be communicated electronically to the concerned Jail Superintendent for information.
 9. Copy of this order be uploaded on the website forthwith.
 10. 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 observations are only for the purpose of the disposal



of the present application.

JANUARY 24, 2024
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MANOJ KUMAR OHRI, J