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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2625/2024**
KUNDAN KUMARPetitioner
Through: **Mr. S.P. Sharma, Advocate.**

versus

THE STATE NCT OF DELHIRespondent
Through: **Mr. Laksh Khanna, APP for State**
with Inspector Sanjay Kumar Meena
PS Narela Industrial Area, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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18.10.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.149/2021 registered under Sections 302/141/149/34 IPC at P.S. Narela Industrial Area, Delhi.
2. Learned counsel for the petitioner/applicant, while drawing attention of the Court to the FIR, states that the complainant has not mentioned the name of the applicant. He further states that the applicant is in custody since 30.03.2021.
3. Learned APP for the State, on the other hand, has taken a strong objection to the filing of the present bail application without placing on record the testimony of the relevant witnesses who have already been examined way back in the year 2022. He submits that the present case pertains to an incident where the prosecution has cited about four eye witnesses, who have not only attributed the role of the applicant of hitting the deceased with broken beer bottle on his head, but have also identified the



present applicant as the assailant.

4. This Court is constrained to note that the present bail application has been filed only placing the FIR and the charge-sheet on record, without the testimonies of the eye witnesses which stood recorded before the filing of the bail application.

5. This Court has gone through the testimony of the eye witnesses from the police file produced in the Court. It is noted that the said eye witnesses have not only identified the applicant but also attributed the same role. In view of the totality of facts and circumstances, I find no ground to entertain the present bail application and the same is accordingly dismissed.

MANOJ KUMAR OHRI, J

OCTOBER 18, 2024/rd