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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3942/2023**

ROSHAN

..... Petitioner

Through: Ms. Pratiksha Tripathi, Ms. Abhilash
Bhutani and Mr. Ashok Pal,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Satish Kumar PS Ranjeet
Nagar, Delhi.

BAIL APPLN. 3963/2023

RAJNISH

..... Petitioner

Through: Ms. Pratiksha Tripathi, Ms. Abhilash
Bhutani and Mr. Ashok Pal,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Satish Kumar PS Ranjeet
Nagar, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.02.2024

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1. By way of present bail applications filed under Section 439 Cr.P.C., the applicants seek regular bail in FIR No. 576/2023 registered under Sections 302/34 at P.S. Ranjit Nagar, Delhi.
2. As common submissions have been addressed from both the sides, the



bail applications are taken up for consideration together and disposed of by this common order.

3. Learned counsel for the applicants states that applicants have been in custody since 03.07.2023 and till date only the charge-sheet has been filed. She further submits that the prosecution has cited 26 witnesses and as such, the trial will take a long time. On merits, it is submitted that the incident came to be reported vide GD No. 41A registered on 02.07.2023 at 04:12 pm, wherein it was stated that *“caller k bhanje ka murder kr diya h age 19 yr caller ne btya ki yha jaghra ho raha tha jisme use chakuu mar tha hospital leke gye to dead declare kr diya ha”*.

4. She further states that in the ‘Emergency Response Support System Form’ dated 02.07.2023, it was recorded that one *Abhishek @ Golu* aged around 20 years was brought dead by his uncle *Virendra* and that a quarrel had taken place between the deceased and one *Pramod*. The allegation of inflicting knife blow was attributed to *Pramod*. The said information was recorded at about 04:13 pm. The FIR came to be registered after a gap of nearly 7 hours at about 10:35 pm on the statement of one *Narendra Paswan*, who is an uncle of the deceased. The names of the present applicants were mentioned for the first time in the statement of *Narendra Paswan*, who is an interested witness. Learned counsel has further stated that besides the statement of *Narendra Paswan*, the Investigating Officer has also recorded the statements of 6 other eye-witnesses and that none of them has stated anything about the present applicants or has attributed any role to them. All the said eye witnesses, in their statements recorded under Section 161 Cr.P.C., have unambiguously stated that the deceased as well as *Pramod* were residents of the same locality and that the incident had occurred in the



vicinity of their shops. Initially an argument and later, a scuffle ensued between both of them. During this time, *Pramod* picked up a meat cutting knife from the shop of *Sandeep* and inflicted knife blows on the stomach and chest of *Abhishek @ Golu*. The independent eye-witnesses have stated that other persons were also present however, their names were not known and no role has been assigned to any of them. It is also stated that applicants are around 19 years of age and that no fruitful purpose would be served in keeping them in custody. Lastly, it is submitted that neither any CDR location chart nor any TIP has been conducted.

5. The applications are vehemently opposed by the learned APP for the State who has stated that the offence is grave and serious in nature. The eye witness *Narendra Paswan* has specifically described the role of the present applicants by stating that while *Pramod* had inflicted the knife injuries, *Roshan* and *Rajnish* had overpowered the deceased by holding his hands and another accused *Amit* had caught hold of the deceased from his neck. Learned APP further stated that *Narendra Paswan* is yet to be examined and that the FSL report is also awaited. It is further submitted that the independent eye witnesses have also stated that other persons were present whose names were not known.

6. I have heard the learned counsels for the parties and have also gone through the entire charge-sheet including the statements of the witnesses placed on record. No doubt, the present case relates to an offence punishable under Section 302 IPC and the eye witnesses are yet to be examined. The Court is also reminded of the settled position of law that at this stage, detailed discussion on evidence is not required. However, considering the fact that it is only the interested witness who has taken the name of the



present applicants and that the remaining 7 independent witnesses have not named or assigned any role to the applicants, this Court has proceeded to briefly discuss the material collected by the Investigating Officer.

7. Concededly, *Narendra Paswan* is the uncle of the deceased. The Investigating Officer has also recorded statements of *Sandeep Kumar, Anil Kumar, Mukul, Raj Kishore, Virendra Kumar, Timpy and Sahil Kumar*. All the said persons are the independent eye witnesses wherein Sahil, Sandeep, Anil and Mukul have stated that they run meat shops while Raj Kishore has stated that he runs a grocery shop near the place of the incident.

Sandeep Kumar, in his statement recorded under Section 161 Cr.P.C., stated that on the date of the incident at 3 pm, he was present in his meat shop and having lunch. Suddenly he heard some commotion and saw that *Pramod* came to the counter of his shop and picked up a knife. At first, *Pramod* ran towards the railway line, but later came running back. *Golu*, the deceased was running after *Pramod*. When they reached near the shops, *Pramod* caught hold of *Golu* and dragged him near the shops of *Satish* and *Anil*, whereafter he inflicted the knife blows. During this time, *Amit*, one of the co-accused reached there and asked *Pramod* to run away. Both *Pramod* and *Amit* ran away towards the railway line and fled towards *Kirti Nagar*. *Narendra Paswan* had followed *Pramod* and *Amit*. A lot of people had gathered at the spot and he could not recognise others.

Anil Kumar, in his statement, has also stated that he was present in his meat shop on 02.07.2023 and at about 3:30 pm, he saw that an altercation was going on between *Golu* and *Pramod*, both of whom were residents of the same colony. He saw that *Pramod* had picked a meat cutting knife from the shop of *Sandeep Kumar*, whereafter he ran towards the railway line, but



then came back. *Golu* was running after *Pramod*. Thereafter, *Pramod* caught hold of *Golu* and brought him near the counter of his shop and inflicted the knife blows in the stomach and chest of the deceased. A few other boys also came from the railway line, but he could not see them properly. *Narendra Paswan* had also reached the spot and followed *Pramod* but couldn't catch him. The statement of remaining eye witnesses are also almost similar/identical on material aspects.

8. A perusal of the statement of independent eye witnesses reveal that none of them has stated that deceased was caught hold by any other person. The evidentiary value of all the witnesses cited by the prosecution would be tested and evaluated during trial. However, for the purpose of consideration of the present bail application, in light of what has been discussed hereinabove, this Court is of the considered opinion that the applicants be released on regular bail subject to their furnishing a personal bond in the sum of Rs.50,000/- each 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 applicants shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicants shall provide their mobile number to the Investigating Officer on which they will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicants shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicants shall not directly/indirectly try to get in



touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicants shall regularly appear before the concerned Court during the pendency of the trial.

9. The bail applications are disposed of in the above terms.

10. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

11. Copy of the order be uploaded on the website forthwith.

12. 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 applications.

MANOJ KUMAR OHRI, J

FEBRUARY 6, 2024

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