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

+ **BAIL APPLN. 3951/2023**

RAM NAWAL @ PARSURAM

..... Petitioner

Through: Ms.Dolly Sharma, Advocate

versus

STATE

..... Respondent

Through: Mr. Laksh Khanna, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.02.2024

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1. By way of present application filed under Section 439 read with Section 482 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No. 327/2016 registered under Section 302 IPC at P.S. Roop Nagar, Delhi.

2. Learned counsel for the applicant submits that the applicant has been in judicial custody since the year 2016 and that the applicant was directed to be released on interim bail under HPC guidelines and that he did not misuse the concessions granted to him. She further submits that although the complainant/eye-witness has stated that the incident had occurred outside his shop, there were other employees and adjacent shop owners, who have not been cited as witnesses. She submits that the prosecution has failed to show if there existed any prior motive and further the weapon of offence handed over does not connect with the applicant inasmuch as in the FSL report, the blood on the wooden *danda* gave no reaction. Even in the other seized



materials, the blood report remained inconclusive. Lastly, it is submitted that the sole eyewitness of the case having been examined long back, there is no apprehension of tampering with the witnesses. It is further stated that out of 20 witnesses only 12 witnesses have been examined so far and that conclusion of the trial will take a long time.

3. Learned APP for the State has vehemently opposed the bail application. He submits that the sole eyewitness of the case has fully supported the case of the prosecution. He has further stated that both the deceased and the applicant were having an altercation, whereafter the applicant hit the deceased on head with a wooden *danda*, whereafter he was apprehended and handed over the police.

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 eyewitness of the case has been examined long back. As per the FSL report, although human blood was found, however, it did not yield any reaction on the blood grouping. The applicant has statedly been in custody for about 4 years 9 months and is not found involved in any other case. Further, the applicant was released on interim bail under HPC guidelines and that he did not misuse the concessions.

6. Keeping in view the aforesaid facts and circumstances including the fact that the applicant has been in custody since the year 2016 as well as the fact that the applicant is not found involved in any other case, the applicant is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.20,000/- 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 applicant 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.
 - 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.

MANOJ KUMAR OHRI, J

FEBRUARY 8, 2024

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