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

+ **BAIL APPLN. 3994/2023**

SUMIT KUMAR

..... Petitioner

Through: Mr. Paramjeet Singh, Mr. Himanshu
Makkar and Ms. Aditi Singh,
Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Utkarsh, APP with SI Krishan
Kumar, PS: Bawana.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **28.05.2024**

1. Application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C.") has been preferred on behalf of petitioner for grant of regular bail in FIR No. 0170/2019, under Sections 364A/34 IPC, registered at PS: Bawana, Delhi. Chargesheet has been filed under Sections 364A/395/397/34 IPC.

2. In brief, as per the case of prosecution, complainant was kidnapped on 15.04.2019 and a ransom of Rs. 10 lacs was demanded from his family members. During the course of investigation, five accused were arrested. Petitioner was taken into custody after his arrest on 01.01.2020 in FIR No. 0001/2020, under Sections 25/54/59 Arms Act, registered at PS: Bawana, on the basis of his confessional statement.

3. Learned counsel for petitioner submits that victim Surender Kumar has already been examined before learned Trial Court, wherein, he failed to



support the case of prosecution, on the point of identity of accused. He further submits that no recovery was made at instance of petitioner, to connect him with alleged offence. It is also pointed out that co-accused Sandeep @ Baja, Ravinder @ Ravi and Sunil Kumar have already been released on bail and case of petitioner stands on a better footing, since no recovery was effected from him to connect him with the aforesaid FIR.

4. On the other hand, application is opposed by learned APP for State.
5. I have given considered thought to the contentions raised.

Petitioner is in custody for a period of about 04 years and there is no possibility of influencing the witnesses, since PW-2 Surrender has already been examined. It may also be noticed that there is no other material evidence against the petitioner except for the confessional statement, which is inadmissible in evidence.

Considering the totality of facts and circumstances, petitioner is admitted to bail on furnishing a personal bond in sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of learned Trial Court and subject to following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned at the time of release.
- (ii) In case of change of address, petitioner shall intimate / communicate his address to the IO / SHO concerned.
- (iii) In case, petitioner is involved in any other offence during pendency of present FIR, the bail shall automatically stand cancelled.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.



A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

MAY 28, 2024/R