



\$~12

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

+ **BAIL APPLN. 4062/2023**

VIKRAM SINGH

..... Petitioner

Through: **Mr. Dhruv Sehgal, Ms. Ashu Rani
and Mr. Ashish Balyan, Advts.**

versus

STATE OF NCT OF DELHI

..... Respondent

Through: **Mr. Hemant Mehla, APP for State
with SI Ramesh, PS. Kanjhawala.
Mr. Sushil Kumar Pandey, SPC with
Ms. Neha Yadav, Adv. for
complainant.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

07.02.2024

%

1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.241/2019 under Sections 307/506/120B/34 IPC and Sections 25/27/54/59 of Arms Act registered at Police Station Kanjhawala.
2. The case of the prosecution is that on 28.06.2019 at about 05:15 a.m. one Vikram Singh @ Sonu S/o Kanwar Singh along with his 2-3 other associates broke into the house of the complainant, where he fired a bullet shot towards the complainants Smt. Rajrani and her son Netrapal and the said bullet hit in the leg of the Rajrani and injured her and also her son, Netrapal.
3. The learned counsel for the petitioner submits that both the injured witnesses have been examined.
4. Inviting the attention of the Court to the testimony of injured Smt.



Rajrani, who was examined as PW-1, he submits that the said witness has assigned no specific role to the present petitioner. The said witness has rather categorically stated that Vikram Singh S/o Kanwar Singh had entered into her house along with 2-3 other associates and had fired a gunshot.

5. He further submits that the said witnesses were not even able to name the present petitioner when a specific question was put to her by the learned APP. He submits that to the same effect is the testimony of injured Netrapal, who was examined as PW-2.

6. He submits that the petitioner is in custody since 12.07.2019 and has spent more than four and a half years behind the bars. According to the learned counsel, the prosecution has cited as many as 24 witnesses but till date only two witnesses have been examined.

7. He further contends that in yet another case in which the present petitioner is accused and is pending adjudication in the Court of Sessions, at Sonipat, he has already been enlarged on bail *vide* order dated 24.08.2022 passed in CRM-M-36343/2022.

8. He submits that the testimonies of all the material witnesses have been recorded and there is no possibility of petitioner influencing the material witnesses in the event he is enlarged on bail. He, therefore, urges the Court to enlarge the petitioner on bail in the present case also.

9. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

10. A bird's eye view of the testimonies of injured Rajrani, who was examined as PW-1, as well as, injured Netrapal, who was examined as PW-2 shows that they have not assigned any specific role to the present petitioner. The overt act of firing bullet shots has been attributed to Vikram Singh S/o



Kanwar Singh, who happens to be the son of the brother-in-law of PW-1.

11. It is not in dispute that the petitioner is in custody for the last four and a half years and it is a matter of record that the two injured witnesses have already been examined and there is no likelihood of the petitioner influencing the material witnesses in case he is granted bail. Further, the investigation is complete and the trial is underway, therefore, the custody of the petitioner is no more required.

12. Further, out of 24 witnesses cited by the prosecution, only two witnesses have been examined which shows that the trial is inevitably going to be a protracted one, therefore, in the facts and circumstances of the present case, the petitioner cannot be kept behind bars for an indefinite period to await the outcome of the trial. It is also not the case of the prosecution in its Status Report that the petitioner is a flight risk.

13. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on regular bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.



c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

14. The petition stands disposed of.
15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
16. Order *dasti* under signatures of the Court Master.
17. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 7, 2024/dss