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

+ BAIL APPLN. 2979/2024

ARIF @ SAMEER @ PAPPI

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand,
Mr. Anant Chittoria, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with Inspector Sandeep, PS Delhi
Cantt. And Inspector Uday, PS
Special Cell

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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26.09.2024

1. The present application has been filed under Section 439 Cr.P.C. seeking grant of regular bail on behalf of the petitioner in case FIR No. 314/2017 registered under Section 302/201/392/397/411/120B/34 IPC registered at PS: Delhi Cantt.
2. Learned counsel for the petitioner submits that case of the petitioner is based on circumstantial evidence and the petitioner is stated to be in custody since 22.12.2017. Learned counsel submits that all the material witnesses have been examined. It has been submitted that the petitioner has already suffered prolonged incarceration, and the trial may take some time. It has further been submitted that the co-accused persons have already been admitted to bail.
3. Learned APP for the State has opposed the bail application on the ground that the present petitioner is the mastermind in the present case. It has also been submitted that there are other involvements of the petitioner.



Learned APP, on instructions, submits that in the present case, dead body was recovered on 15.12.2017. During the course of investigation, after around a week, from the CCTV footage, it was seen that the present petitioner was shopping in Big Bazaar with the ATM card of the deceased. Learned APP submits that on this basis, the present petitioner was apprehended and on his disclosure statement, Vehicle No. HR-26-AE-1289 (which was used in commission of crime by using false number plate bearing no. HR-29-SB-5524) was recovered from the possession of the co-accused, Mr. Pratap. Learned APP submits that this vehicle was found to be registered in the name of the Sister-in-law of the present petitioner. Learned APP submits that therefore the case of the present petitioner is distinguishable from the facts of other accused persons.

4. The parameters of grant of bail in heinous offence cases are very well settled. The consideration to be taken into account while grant of regular bail are the nature and gravity of the accusations, the antecedents of the applicant, possibility of the applicant to flee from justice, and the possibility of threatening and intimidating the witnesses and other circumstances. However, it is a settled proposition that detention during the course of the trial cannot be counted as a punitive detention. The purpose is to ensure that the accused attends the trial and does not threaten or intimidate the witnesses. In the present case, all the material witnesses have already been examined.
5. As per nominal roll dated 24.09.2024, the petitioner is in custody since 05 years and 09 months and 17 days. The petitioner was admitted to interim bail thrice and he has never misused the bail.
6. In the peculiar facts and circumstances, without discussing the merits of



the case, the present petitioner is admitted to regular bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount subject to the verification of the address and to the satisfaction of the concerned learned Trial Court and subject to the following further conditions:

- a) the petitioner shall regularly appear before the Court as and when the appeal is taken up for hearing;
 - b) The petitioner shall remain available on the address, to be provided to the IO and shall not leave the country without the permission of the learned Trial Court;
 - c) the Petitioner shall not directly or indirectly make any inducement, threat or intimidate any person acquainted with the facts of the case;
 - d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
 - e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Court concerned by way of an affidavit.
7. Copy of the order be sent to the concerned Jail Superintendent for information and compliance.
8. In view of the above, the present application stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 26, 2024/JN/KR..