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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3078/2024

LUVLESH @ PAWAN

.....Petitioner

Through: Mr. Vinayak Bhandari, Ms. Jaisal
Singh and Ms. Teesta Mishra, Advs.

versus

THE STATE (GOVT. OF NCT) DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Inspector Hira Lal, PS Nihal
Vihar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.09.2024

1. By way of present application, the applicant seeks regular bail in FIR No. 1045/2020 registered under Sections 302/120B/201/34 IPC at P.S. Nihal Vihar, Delhi.
2. Learned counsel for the applicant submits that the applicant is in custody since 05.11.2020 and the prosecution has failed to link the applicant with the offence. He further submits that though the prosecution has placed reliance on the postmortem report which opines that the death had occurred on account of strangulation, there is no direct testimony of any witness having seen the incident. Furthermore, he submits that even as per the prosecution case, it has been stated that the deceased was injected with *Voveran* and *Ranitidine*. However, the FSL report does not suggest so. Moreover, it is stated that all the material witnesses have been examined and that the trial is likely take some time to conclude. It is also stated that the co-



accused *Shobha* has already been granted regular bail by this Court and the applicant seeks parity with her.

3. The bail application is resisted by Mr. Khanna, learned APP for the State, who has drawn the attention of the Court to the testimony of PW-6 *Ranjan Kumar @ Niranjan*. He further submits that during investigation, two empty syringes/vials of *Voveran* and *Ranitidine* were also seized from the spot. It is also submitted that the applicant's case cannot be put to parity with the co-accused *Shobha*, whose role was different as she was not even at the spot of the incident. Furthermore, it is stated that the prosecution has cited 33 witnesses out of which 12 already stand examined.

4. I have perused the testimony of PW-6 *Ranjan Kumar*. A reading of the same would show that he has stated that on 02.11.2020, he had seen the deceased in the company of the present applicant and the co-accused, *Suraj*. The witness has deposed that all three of them were together on the night of 02.11.2020 as well as the entire next day. He further deposed as to having seen the deceased sleeping in the same room as the present applicant. The witness has also deposed that *Suraj* was his roommate as both of them were compounders/accountants working in the same hospital, and that the applicant was introduced to him as *Suraj's* cousin. Furthermore, he has deposed that on the night of 02.11.2020, the applicant and the deceased had consumed alcohol and on the following day, when he saw the deceased lying in the room and touched his body, it was found to be cold, of which he informed the owner of the hospital, who advised him to take the body to a government hospital.

5. It is noted that as per the deposition, the body was taken by *Suraj* on a Scooty, while the applicant remained in the hospital. As per the case of the



prosecution, within a few hours, the dead body was discovered and the investigation commenced. Moreover, as per the postmortem report, the time since death is relatable to the time during which the deceased was seen in the company of the present applicant.

6. Considering the testimony of the witnesses and the totality of the facts and circumstances, I am not inclined to release the present applicant on bail at this stage. Accordingly, the bail application is dismissed.

MANOJ KUMAR OHRI, J

SEPTEMBER 19, 2024

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