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

+ **BAIL APPLN. 3112/2024**

ROSHAN

.....Petitioner

Through: Mr Rishikesh Singh, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr Aman Usman, APP for State

Inspector Naveen Kumar and SI Dipesh Malik,
PS-S.P. Badli, Delhi.

Mr Anand Prakash, Adv. for complainant.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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02.12.2024

1. This is a petition filed under section 483 of BNSS seeking grant of regular bail to the petitioner in FIR No. 968/2023, dated 23.11.2023, registered at Police Station – Samaipur Badli under Sections 279/304A of IPC, 1860. The chargesheet has been filed under sections 304/393/34 of IPC, 1860.

2. As per the investigation, it has transpired that the petitioner along with two other co-accused hit two people, who were riding on a bike with a cloth containing a brick, as a result of which the bike slipped and both the bike riders suffered greivous injuries. One of the persons was declared dead on the spot and one of them was taken to the hospital, where he was declared dead. During the trial, the charges against the present petitioner have been framed under sections 304/393/394/34 of IPC, 1860.

3. Mr Singh, learned counsel for the petitioner states that in the present



case, the petitioner neither hit the people on the bike nor was involved in the conspiracy. In addition, he states that the petitioner was only passing through the spot where the alleged offence took place.

4. It is the case of the prosecution that all the accused persons were together and one of the accused hit the bikers with a brick tied to a cloth which resulted in the death of both the people on the bike.

5. I have seen the CCTV footage of the incident where all the three accused persons are seen running from the scene of the crime together.

6. Mr Usman, learned APP states that in the present case the fact whether the petitioner was part of the conspiracy with other two accused persons can only be ascertained after the trial is concluded. In addition, he fairly states that in the present case, the trial will be concluded within six to eight months as only the CCTV footage of the incident, the examination of the FSL report and few witnesses are required to be examined.

7. In the present case, the petitioner is in custody since 13.12.2023 and the case before the Trial court is at the stage of Prosecution Evidence.

8. Whether the petitioner was part of the conspiracy or not can only be ascertained after the trial is concluded.

9. The offences committed by the petitioner are grievous in nature and the acts of the petitioner along with two other accused persons has resulted in the death of two people. In addition, the petitioner was seen with the other two co-accused at the site. Hence, I am not inclined to grant bail to the petitioner at this stage.

10. For the reasons noted above, the petition is dismissed.

11. 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 same has been expressed only for the purpose of the disposal of the present petition.

JASMEET SINGH, J
DECEMBER 2, 2024/sr [Click here to check corrigendum, if any](#)