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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3282/2024 and CRL.M.A. 27386/2024**
AMIT @ BACHHAPetitioner

Through: Mr. R.P.S Bhatti, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI)Respondent
Through: Mr. Laksh Khanna, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
05.11.2024

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1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.339/2019 registered under Sections 302/34 IPC at P.S. Bhalswa Dairy, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 24.06.2019. He further submits that the applicant was earlier released on account of HPC guidelines pursuant to which he was re-arrested on 04.09.2023.

On merits, it is stated that the incident occurred on 13.06.2019 when the deceased was allegedly shot dead. It is stated that the prosecution has cited *Gaurav Mishra* and *Sujinder Mishra*, the brother and father of the deceased, respectively, as witnesses on the aspect that prior to being shot, the deceased was being threatened by the present applicant alongwith the co-accused 'V' (JCL). He submits that the only allegation against the present applicant is that of him being present at the spot alongwith the co-accused



on a scooty which belongs to the mother of present applicant. As per the prosecution case, the gunshot was fired by the co-accused JCL.

3. Learned APP for the State has opposed the bail application. He submits that the present applicant shared the common intention with the co-accused JCL. As per the statement of the witnesses, prior to the incident, it was the applicant alongwith the co-accused, who was also the resident of the same locality, had visited the house of the deceased on account of enmity and even threatened the deceased of dire consequences. Concededly, both the accused persons had come on a scooty and the deceased thereafter was shot dead.

4. I have heard learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. The testimony of the witnesses has been placed on record. A reading of the same would show that the aspect of giving threats is attributed to the co-accused JCL. Further, the role of causing the gunshot injury is also attributed to the co-accused JCL. The only role assigned to the present applicant is of accompanying the co-accused JCL and the scooty used at the time of the incident is owned by the applicant's mother.

5. Considering the facts and circumstances of the case and the role attributed to the present applicant and the further fact that all the material witnesses stand examined, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M./Link J.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior



permission of the concerned Court.

ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.

iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

6. The bail application is disposed of in the above terms alongwith the pending application.

7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

8. Copy of the order be uploaded on the website forthwith.

9. 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 bail application.

MANOJ KUMAR OHRI, J

NOVEMBER 5, 2024

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