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

+ **BAIL APPLN. 3340/2024**

DAULAT @ CHINTU

.....Petitioner

Through: **Mr.Rishipal Singh, Advocate**

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: **Ms.Priyanka Dalal, APP for the State
alongwith Insp. Mahender Singh, P.S.
Shahbad Dairy**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

28.10.2024

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CRL.M.A. 28005/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 3340/2024

1. The present application has been filed under Section 439 Cr.P.C. on behalf of the petitioner for grant of regular bail in case FIR No. 436/2020 dated 31.08.2020 under Sections 302/396/412/379/411/120B/34 IPC, registered at PS Shahbad Dairy.
2. The brief facts of the case set up by the prosecution in the status report are that on 31.08.2020, information regarding lying of a dead body near



K.D.Model School, Shukar Bazar was received in the Police Station and the said call was entrusted to ASI Vats Raj for necessary action. He reached the spot and found that a male dead body aged about 41 years was lying on the spot having injuries on mouth. The blood was oozing out from face, chest and other parts of the body. The dead body was identified as Pardeep Kumar Jindal S/o Bhim Sen Jindal R/o C-142, PundrikVihar, Pitampura, Delhi. During the course of investigation, Post mortem of deceased got conducted on 31.08.2020 vide PM No. 722/20.

3. On 31.08.2020, statement of Mukesh S/o Jogeshwar Mehto who was working at the shop of deceased was recorded and he stated that on 30.08.2020 at about 07:00 to 07:30 PM he went to Village Barwala with deceased Pardeep Jindal on his scooty and Pardeep Jindal purchased a SIM card from a shop situated in front of HDFC Bank and thereafter he got down at Barwala Red Light as he was residing in Barwala Village. During the course of investigation, the said shop was visited and investigation was made with shopkeeper Rajesh Shah, who stated that on 30.08.2020 a SIM card of Airtel Company was purchased by deceased Pardeep Jindal. Thereafter, CCTV cameras installed at the said shop was checked and found that 2-3 persons were roaming near the shop.
4. On 16.09.2020, accused Suchit @ Golu S/o Ram Charan, Daulat (@ Chintu S/o Mallu Singh were apprehended on Motor Cycle on DL 8SBH 7455 and Ansar S/o Phool Hasan & Rajesh @ Muneel S/o Ram Prasad were apprehended on Motor Cycle No. DL 10 SE 5657 on the secret information. During personal search Rs. 22,000/- was recovered from accused Ansar, Rs. 21,000/- from accused Suchit (@ Golu, Rs. 18,000/-



from accused Daulat @ Chintu and Rs. 9000/- from accused Rajesh @ Munil.

5. During sustained interrogation, accused Rajesh @ Muneel stated that he was previously employee of deceased Pardeep Jindal and he hatched a conspiracy with his friends namely Md. Ansar, Suchit @ Golu, Daulat, Vishal @ Vikas and Rahul that Pardeep Jindal go to him home on scooty and he had huge amount with him. On 29.08.2019, the accused persons visited the shop of deceased Pardeep Jindal, but the shop was found closed. Again they reached at the shop of Pardeep Jindal and when Pardeep Jindal along with his employee Mukesh left the shop, they chased him. Deceased Pardeep Jindal purchased a SIM from Rajesh Telecom situated at Village Barwala. Suchit @ Golu and Vishal watched the activity of deceased Pardeep Jindal at the mobile shop. Thereafter, deceased left the mobile shop and dropped Mukesh at Barwala Red Light. It was disclosed, that the accused stopped his scooty in a deserted place near Heliport where he went for urine and parked his scooty on the Road side. All the accused persons also stopped their motor cycles and found that the keys were not in the scooty. The accused persons caught hold deceased Pardeep Jindal and when he tried to escape himself from their clutches, Suchit @ Golu caught hold the hands of deceased alongwith his associates. Accused Daulat hit a stone on the mouth of deceased Pardeep Jindal and Rahul stabbed knife on the neck of deceased Pardeep Jindal in this scuffle. During this, Rahul and Vishal took out the keys of scooty and Vishal and Rajesh @ Muneel ran away on the scooty of deceased Pardeep Jindal and remaining accused persons also left the spot on their motorcycles. They reached at Sukhbir Nagar near Hanuman Temple in a



deserted area and searched the dikki of scooty, in which they found a plastic bag containing huge amount, some documents and two mobile phones. They broke the mobile phones of deceased Pardeep Jindal with the help of bricks and thereafter they reached at Karnal Bypass and threw the documents, diary and mobile phones in the drain. Thereafter, the looted amount of Rs. 1,10,000/- was distributed among the accused persons.

6. The recovered amount was taken into Police possession through seizure memo. One stolen motor cycle having Registration No. DL 8SBH 7455 was also recovered from the possession of Suchit @ Golu which was found stolen from the area of PS Keshav Puram vide e-FIR No. 40444/19 dated 17.11.2019, which was used by the present applicant/accused during the commission of crime of the present case along with his associates. During analysis of the footage applicant/accused Suchit @ Golu, was found very much present at the Rajesh Telecom from where deceased has purchased the mobile SIM on 30.08.2020 prior incident.
7. Learned counsel for the petitioner submits that the petitioner is in custody since 17.09.2020. It has further been submitted that the trial may take a long time to complete, and therefore, the petitioner may admitted to bail.
8. Learned APP for the State has opposed the bail on the ground that murder has been committed in the pre-planned manner and after the deep rooted conspiracy amongst the accused persons. It is submitted that on the date of arrest one mobile phone bearing No. 9953759296 was found in his possession and the CDR of the said Mobile was obtained and analyzed, which revealed that applicant/accused Suchit @ Golu had visited the shop of deceased on 29.07.2020 and also the alleged date of incident i.e.



30.08.2020. It is further submitted that the allegations against the accused applicant are grave in nature. It is submitted that if the accused applicant is released on bail, he may commit similar or any other serious offence in order to take revenge from the deceased's family or the witnesses in the case. It is also submitted that the applicant may not attend the trial.

9. Learned APP for the State submitted that during the course of the investigation, one stolen motor cycle having Registration No. DL 8SBH 7455 was also recovered from the possession of Suchit @ Golu which was found stolen from the area of PS Keshav Puram vide e-FIR No. 40444/19 dated 17.11.2019, which was used by the present applicant/accused during the commission of crime of the present case along with his associates. It is further submitted that out of 34 witnesses, only 16 witnesses have been examined and all the public witnesses have already been examined.
10. The liberty is paramount fundamental right of an individual. The person can be kept during the course of investigation or trial so as to ensure that the trial is conducted in accordance with law and the accused may not flee away from the cause of the incidence. However, there has to be substantive reason to keep the accused in custody during the trial. In the present case, predominantly, as per the status report, the material against accused applicant are the disclosure statement of Rajesh @ Muneel. Pursuant to the disclosure statement, sum Rs. 21,000/- from accused Suchit @ Golu, Rs. 18,000/- from accused Daulat @ Chintu were recovered in the personal search with the prosecution place is the part of the money stolen from the deceased. Another evidence which has been



relied upon in the presence of the applicant at Rajesh Telecom Centre, from where deceased has purchased the mobile SIM.

11. I have considered the submissions. At the stage of the bail, the Court is not required to meticulously appreciate the material on record. The Court is required to see the *prima facie* case.

12. Thus, without making any further deliberations so as to not cause prejudice to the either of the party, and taking into the period of incarceration, the applicant is admitted to regular bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and provide his mobile number(s) and subject to the following further conditions:

- a) the petitioner shall regularly appear before the IO/trial court as and when directed;
- b) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
- c) the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
- d) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.



13. With the above directions, the application is disposed of.

14. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

OCTOBER 28, 2024

Dy/dg