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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3448/2024, CRL.M.(BAIL) 1636/2024**

POOJA

.....Petitioner

Through: Mr. Aashish K Singh, Advocate.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Dharmendra Kr., P.S.
Gandhi Nagar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

21.10.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No. 136/2019 registered under Sections 302/201/120B/34 IPC at P.S. Gandhi Nagar, Delhi.
2. Learned counsel for the applicant submits that the applicant is in judicial custody since 22.06.2019 and though the charges have been framed on 27.02.2020 against the present applicant under Sections 120B read with Section 302 IPC, only 5 witnesses have been examined out of a total of 21 witnesses which have been cited by the prosecution. On merits, it is stated that as per the prosecution case, the deceased was stabbed by the co-accused persons, *Rashid @ Dharma* and *Akash @ Kukki* on 13.06.2019. The deceased initially remained admitted in a hospital for a period of 6 days and thereafter, expired on 19.06.2019. It is claimed that on the fourth night of being admitted in the hospital, the injured disclosed to his mother that the incident occurred at the behest of the present applicant. It is further submitted that the deceased was visited twice on that day by the concerned



doctor who had declared him unfit for statement on both the occasions. Rather, the deceased remained unfit for statement during the entire period of his stay in the hospital. It is also stated that despite four years having been passed, the mother of the deceased has not been examined till date.

3. Ld. APP for the State, on the other hand, has opposed the bail application. He submits that the deceased as well as the co-accused have been alleged to be buyers of narcotics from the present applicant. The applicant is the mastermind of the said offence who had hired two accused persons and provided them with knife, money as well as drugs to carry out the offence. He concedes that for the aforesaid there is only disclosure statement and no other material against the applicant. The statement of the mother of the deceased to the effect that the deceased had disclosed about the role of the present applicant was also recorded on 16.06.2019 itself. The applicant is also stated to be involved in two other cases being FIR No. 343/2014 registered under Sections 308/394/397 IPC at P.S. Gandhi Nagar and FIR No. 30/2019 registered under Sections 25/54/59A of the Arms Act at P.S. Gandhi Nagar. Lastly, it is submitted that jail conduct of the applicant is also stated to be unsatisfactory.

4. At this stage, learned counsel for the applicant submits that applicant is already on bail in aforementioned two cases.

5. I have heard the learned counsels for the parties and perused the material available on record. The role assigned to the present applicant is of being the mastermind and hiring two accused persons who stabbed the deceased. The material collected and cited before the Trial Court is only in the nature of disclosure statement and no recovery has been effected at the instance of the present applicant. The contention raised that the deceased during his admission in the hospital disclosed the factum of offence being carried out at the behest of the present applicant is something which would be evaluated by the Trial Court at the conclusion of the evidence. At this



stage, having noted the facts and the material cited and the period of custody and the further fact that till date only 5 witnesses have been examined despite charges having being framed in the year 2020, this Court deems it fit to release the applicant on regular bail, subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty 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 pending application.

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

8. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

OCTOBER 21, 2024/ga