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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3451/2024**

SHAHROUKH@BILAUTA

.....Petitioner

Through: Mr. Puran Sharma and Mr. Bharat
Sharma, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Laksh Khanna, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **09.12.2024**

1. By way of present bail application, the applicant seeks regular bail in FIR No. 1475/2015 registered under Sections IPC 302/34 at P.S. Govindpuri, Delhi.

2. Ld. Counsel for the applicant submits that the applicant is in custody since 29.11.2015 and the eye witness as well as material witness have been examined. Therefore, it is prayed that the applicant be released on bail.

On merits, it is submitted that the eye witness in his cross-examination has not supported the prosecution case, inasmuch as, he has stated that when he entered the *gali* where the incident took place, by that time he had not seen the incident. It is further contended that *vis-a-vis* the knife shown to have been recovered at the instance of the present applicant, when produced in Court, HC Vishal who appeared as PW5 stated that the said knife appears to be a new one as there were no blood stains found on it. He also submits that there is no FSL Report corresponding to the allegations leveled in the FIR. To a similar extent is the testimony of PW8, who has stated that no blood stain were found even on the clothes of the applicant.



3. On the other hand, the present bail application is opposed by the Ld. APP for the State. He has handed over a copy of the Status Report, which is taken on record. Ld. APP contends that the applicant is involved in a grievous offence in which the deceased had been stabbed by the present applicant resulting in 12 injuries. In support of the prosecution case, he has referred to the testimony of *Deepu Kumar*, the eye witness, who in his examination-in-chief, has stated that the three accused persons had arrived on a scooty in which the applicant was seated at last and that it was the applicant who inflicted the stab wounds to the deceased.

4. I have heard the learned counsels for the parties and gone through the materials placed on record.

5. As noted above, the allegation against the applicant is of inflicting knife wounds and the injured eventually succumbed to the said injuries. While the role of the applicant is of causing the said stab wounds, the role of the co-accused was of catching hold of the deceased. The bail application of the co-accused/*Bhupender* being BAIL APPLN. 1154/2024 came to be listed before a Coordinate Bench of this Court, which vide its order dated 10.07.2024, after noting the details of the case, did not find it fit enough to admit him on regular bail. Rather, the Trial Court was directed to make an endeavour to complete the trial within six months. During the course of submissions, it is informed that only two prosecution witnesses are remaining to be examined. It is further informed that the next date before the Trial Court is 19.12.2024.

6. Considering the merits of the case as well as the further fact that the bail application of the co-accused already stands dismissed by a Coordinate Bench of this Court, I find no ground to admit the applicant on regular bail.



Consequently, the bail application is dismissed.

7. Needless to state, this Court has not expressed any opinion on the merits of the case and the same has been expressed only for the purpose of disposal of the present bail application.

MANOJ KUMAR OHRI, J

DECEMBER 9, 2024/ga