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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3528/2024**
RAHUL@MADDA ROHIT

.....Petitioner

Through: Mr. Ajit Rajput and Ms. Apurva
Pandey, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
along with Inspector Arun Kumar
P.S. Adarsh Nagar.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
28.11.2024

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1. By way of present bail application, the applicant seeks regular bail in FIR No.129/2021 registered under Sections 302/34 IPC and Sections 25/27 Arms Act at P.S. Adarsh Nagar, North West, Delhi.
2. At the outset, it is noted that the applicant's Bail Application was considered by the learned ASJ-03 (North), Rohini Courts, Delhi on 22.05.2024 and the same was dismissed on the grounds that material witnesses were yet to be examined. The present application has been filed within four months of the said order on the premise that since then, statement of one *Samar* has been recorded in the Trial Court, as well as the fact that the FSL Report which does not support the prosecution case has not been brought to the knowledge of this Court.



3. Learned counsel for the applicant has re-canvassed the submissions including doubting the presence of the eye witness, namely *Neetu*, at the spot. The presence is doubted by contending that *Neetu*, who had stated that she was present and lifted the body, had no blood stains on her own clothes. The next reliance is placed on the FSL Report, wherein it has been opined that the firing marks did not match on the relevant parameters. It is further stated that the applicant is in custody since 11.02.2022.

4. The application is vehemently opposed by the learned APP, who submits that this Court, while considering the bail application of the co-accused *Amit Dubey*, had appreciated the testimony of the eye witness, *Neetu*, and was not inclined to entertain the said application. He further submits that the perusal of the testimony of *Samar* would rather strengthen the prosecution case inasmuch as *Samar* has testified to the presence of *Neetu* at the spot, on the date of the incident.

5. I have heard the learned counsel for the parties.

6. The present application is the second bail application within a span of four months. The only change in the circumstances since then is the recording of the testimony of a witness *Samar* and placing of the FSL Report on record.

7. Learned APP has brought the attention of this Court to the fact that in the present case, three improvised pistols have been seized and as per the FSL Report, firing marks match only one of the seized pistols. It is also pointed out that in the history of assault noted in the MLC, the presence of *Samar* is reflected. Be that as it may, the presence of *Neetu* is spoken of by the same independent witness, *Samar*.



8. Considering the aforesaid and in light of the testimony of *Neetu*, I find no ground for the grant of bail. Accordingly, the bail application is dismissed.

9. Needless to state, any observation made hereinabove is only for the purpose of disposal of the present bail application and will not have any influence or bearing on the merits of the trial.

MANOJ KUMAR OHRI, J

NOVEMBER 28, 2024/ssc