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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3665/2024**

SUNIL SEHRAWAT @ CHURRIPetitioner
Through: Ms. Malvika Kulkarni, Mr. Pratyush
Prasanna, Ms. Soumya Yadav and
Ms. Anamika, Advocates.
versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Laksh Khanna, APP for State
with Insp. Ashok, P.S. Special Cell,
NDR, Lodhi Colony.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **12.11.2024**

1. By way of present bail application, the applicant seeks regular bail in FIR No. 630/2016 registered under Sections 302/392/394/397/186/353/411/34 IPC at P.S. Special Cell, Delhi.
2. Learned counsel for the applicant contends that applicant is in custody since 27.08.2016 and that the trial is moving at a slow pace, inasmuch as, out of 42 witnesses cited by the prosecution, 8 witnesses have been dropped and only 18 witnesses have been examined till date. It is submitted that all the material witnesses have been examined and considering that 16 more witnesses are yet to be examined, the trial is likely to take long time to conclude.

On merits, it is submitted that as per the prosecution case, the incident occurred on 19.08.2016 when the main accused i.e. *Sumit Thakran* alongwith the present applicant and another accused statedly reached the



Rehri of the complainant/*Meena* and demanded a sum of Rs.2,500/- from her. The prosecution has further alleged that in the meantime, another customer of the complainant, namely *Mithu* arrived there and raised an alarm which was heard by a passer-by police person namely *Const. Anand* (now deceased). It is stated that while the two accused persons caught hold of the complainant, a gunshot was fired by the co-accused, *Sumit Thakran*. When the accused persons attempted to run away, they were chased by *Const. Anand*, whereafter another gunshot was fired by *Sumit Thakran* which hit *Const. Anand*, and he later on succumbed to the injury caused by the gunshot. It is further submitted that the even as per the prosecution case, the only role assigned to the present applicant is of exhortation. It is also submitted that *Sumit Thakran* after some time also removed his shirt and dumped the same in a farm, which was witnessed by two witnesses. The prosecution has also alleged that the present applicant was also accompanying *Sumit Thakran* at that time, however, the two aforesaid witnesses did not identify him in trial.

3. Ld. APP for the State, on the other hand, has opposed the bail application by contending that the present case involves the incident of robbery at a gunpoint and later on, upon chasing the accused persons, *Const. Anand* was shot dead. He submits that complainant/*Meena* has been examined as PW3, who had not only identified the applicant but also stated about his role in giving exhortation. It is also submitted that alongwith the sum of Rs.2,500/-, the complainant's mobile phone was also robbed, which was recovered at the instance of the present applicant. He, on instructions, further submits that the applicant is also found involved in FIR No. 250/2015 registered under Section 307 IPC at P.S. Kanjhawala, Delhi.



4. At this stage, ld. counsel for the applicant submits that in the aforementioned FIR, the applicant was a juvenile and was acquitted.

5. I have heard the learned counsels for the parties and perused the material on record.

6. On a reading of the material placed on record, it is apparent that the incident relates to demand of money from the complainant/*Meena*. Prosecution has categorically alleged that the co-accused *Sumit Thakran* had pointed the gun at the complainant. The aforesaid aspect is also confirmed by the complainant in her testimony. The first gunshot was allegedly fired by *Sumit Thakran* and on being chased by *Const. Anand*, the second gunshot was also fired by him, which led to the death of *Const. Anand*. Moreover, the only role assigned to the present applicant is of exhortation and of being found in possession of the robbed mobile.

7. Considering the period of custody as well as totality of the facts and circumstances, the Court is inclined to admit 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 M.M. and subject to the following further conditions :-

- i) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- ii) The applicant shall not leave the NCR without prior permission of the concerned Court.
- 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.
- 8. The bail application is disposed of in the above terms.
- 9. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.
- 10. 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

NOVEMBER 12, 2024/ga