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

+ **BAIL APPLN. 3726/2024**

RAJKUMAR @ NANHA

.....Petitioner

Through: Mr. Sandeep Lohchab, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr Amit Ahlawat APP for State with
Mr. Daljeet Singh Advocate and Insp.
P.S. Shahbad Dairy.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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14.11.2024

1. This petition has been filed seeking regular bail in FIR No. 922/2022 under Section 365 IPC registered on 02nd December, 2022 at P.S. Shahbad Dairy, Delhi. Chargesheet was filed on 03rd March, 2023 under Sections 365/302/201/120B/34 IPC and 25/54/59 Arms Act. Petitioner has been in custody since 07th December, 2022 and, as per the SCRB Report, has only one previous involvement under Sections 33/58, Delhi Excise Act in FIR No. 564/2022.

2. Case of the prosecution is based on the statement of one Sunita, resident of Shahbad Dairy, who states that her husband Jai Kumar was missing since 27th November, 2022. Based on suspicion of the family members of the deceased, accused Deepak @ Bhola was called for interrogation and basis his interrogation, one half-burnt dead body was discovered from District Baghpat, Uttar Pradesh, which was identified as Jai



Kumar.

3. Deepak @ Bhola was arrested on 04th December, 2022 and, as per the prosecution, disclosed that he had committed the murder of Jai Kumar with the help of his associates Aman, Rajkumar, and others.

4. He disclosed that about 1½ years ago, the deceased, along with his associates attacked the maternal cousin brother, Rajkumar and damaged his Scorpio car. The matter had been compromised with Jai Kumar, but he wanted to take revenge. They noticed Jai Kumar riding his Scooty alone, stopped him, thrashed him using sticks and stuffed the body in plastic gunny bags and carried it to Baghpat, Uttar Pradesh, where they burned the body.

5. During investigation, petitioner was arrested on 07th December, 2022 and made disclosures. Aman was also arrested on 12th December, 2022.

6. Case of the prosecution rests on disclosures of Deepak @ Bhola as well as the petitioner; the dead body was recovered at the instance of Deepak @ Bhola; the mobile location of the petitioner was at Shahbad Dairy which, the counsel for the petitioner states, is his residence; regards the previous altercation between Jai Kumar and the petitioner, three PCR calls were made in 2021; and that the i20 Car in which it is alleged that the body had been taken to be disposed of at Baghpat was owned by wife of Deepak @ Bhola.

7. Counsel for the petitioner states that there is no evidence except for disclosure, that the material witnesses have been examined; 8 out of 36 witnesses have already been examined and the trial is likely to take some time.

8. APP for the State states that the FSL report with respect to the blood stains found on the wall of the abandoned building, where the accused



persons allegedly thrashed Jai Kumar, is still awaited.

9. Considering the submissions of the counsel for petitioner, there being no substantial previous involvement except for one under Delhi Excise Act, the petitioner being in custody since 2022, the material witnesses having already been examined, and fact that the trial may take some time, the petitioner herein is entitled to bail.

10. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. every Friday at 4 p.m., and will be not kept waiting for more than an hour.



vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

11. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

12. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 14, 2024

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