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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3802/2024**

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.....Petitioner

Through: Ms. Shweta Mehta and Mr. P.K.
Tripathi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Surendar Singh, P.S.
Dwarka, Sector – 23.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.11.2024

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1. By way of the present application, the applicant seeks regular bail in FIR No.149/2022 registered under Section 302 IPC at P.S. Dwarka Sector 23, Delhi.
2. Learned counsel for the applicant submits that the present incident occurred on 22.02.2022 and that the applicant is in custody since 19.03.2022. It is submitted that the present case is based on circumstantial evidence. The material cited against the applicant is the statement of deceased's mother namely *Neelam* and one *Pawan* who are examined as PW1 and PW4 respectively. It is stated that the other material cited against the applicant is the recovery of blood stained knife. Lastly, it is stated though the prosecution has cited 24 witnesses however, till date only 20 have been examined.



3. Bail application is resisted by Ld. APP who contends that the mother of the deceased has stated that the deceased, at an earlier point of time, had stated that he has enmity with the present applicant. Besides the aforesaid testimony, there is also CCTV footage of the incident as well as FSL report on the blood and soil sample. Ld. APP, on instructions, submits as per the FSL Report, the blood of the deceased could not be verified on the knife on account of degradation of stains or presence of inhibitors. The analysis on the soil report has found to be positive. Further, on the recovered knife, opinion has been taken and it has been opined that the injuries suffered by the deceased were possible by the recovered knife.

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

5. During the course of submissions, statements of *Neelam* and *Pawan* were relied upon, a copy of which has been shown in Court. After going through the same, the deceased's mother has deposed that on the date of the incident she called the deceased who answered only once and whereafter the phone was switched off. She reached the office of the deceased and found *Pawan* who told that his son and the applicant had left for somewhere. *Pawan* was examined as PW4 who stated that on the evening of 22.02.2022 he and deceased consumed liquor whereafter they reached the office. At that time, the applicant was also accompanying them. He paid the wages to the deceased and after a gap of three minutes, he also paid the wages to the applicant whereafter he also left the office. As per the FSL report, only the soil sample has tested positive. No opinion could be rendered on the blood sample. Considering the material placed on record as well as the period of custody, 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 M.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.

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

NOVEMBER 26, 2024

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