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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4403/2024**
IRFAN @ CHETANPetitioner
Through: Mr. Kundan Kumar, Advocate.

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Laksh Khanna, APP for State
along with Inspector Sanjay Kumar
Meena P.S. NIA, OND, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
18.12.2024

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1. The present application has been filed on behalf of the applicant/petitioner seeking regular bail in FIR No. 208/2023 registered at Police Station Narela Industrial Area, Delhi for the offences punishable under Sections 302/34 IPC.
2. Learned counsel for the applicant submits that the applicant is in custody since 02.02.2023 and that the eye witness cited by the prosecution, namely, *Geeta Mandal* has since expired, before her deposition could be recorded before the learned Trial Court. It is further submitted that the eye-witness *Geeta Mandal* was the only material witness cited against the applicant. Furthermore, the FSL opinion on the blood stained knife alleged to be the weapon of offence is still awaited.
3. Learned APP for State has opposed the bail application by contending that the applicant alongwith the co-accused, CCL 'K' committed murder of the deceased. It is further submitted that the commission of the offence was



witnessed by eye witness *Geeta Mandal*, mother of the deceased. He, on instructions, confirms that said *Geeta Mandal* expired soon after the filing of the chargesheet and before her testimony could be recorded before the Trial Court. He also submits that the I.O. has obtained medical opinion on the weapon of offence and as per the said medical opinion, the knife seized was stated to be the possible weapon used in commission of the offence.

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

5. As per the case of the prosecution, the deceased was stabbed by the co-accused, CCL 'K'. The role assigned to the present applicant is of catching hold of the deceased. Though the knife is stated to have been recovered at the instance of the applicant, however, the FSL result/opinion on the blood stains found on the knife is yet to be obtained. The only eye witness is dead.

6. Considering the totality of the facts and circumstances, including the period of custody of the applicant as well as the fact that the prosecution case is based on circumstantial evidence, it is directed that the applicant be released on regular bail, subject to him furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty J.M./Link J.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.
- 7. The bail application is disposed of in the above terms.
 - 8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.
 - 9. Copy of the order be uploaded on the website forthwith.
 - 10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

DECEMBER 18, 2024/ssc