



2025:DHC:2059



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

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Date of Decision: 27.03.2025+ **BAIL APPLN. 165/2025**

AJAYAVEER

.....Petitioner

Through: Mr. Rakesh Tanwar and Mr. Ujjwal
Tripathi, Advocate

versus

STATE THROUGH SHO P S BAWANARespondent

Through: Mr. Manoj Pant, APP for State with
SI Mohit Batan, PS Bawana**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. Petitioner seeks regular bail in case FIR No. 606/2024 of PS Bawana for offence under Section 105 BNS.

2. The prosecution case is as follows. On 06.08.2024, on receipt of DD No. 86A regarding an unconscious man without any visible injuries found near factory no. 250, Sector-1, Bawana, the investigating officer from PS Bawana proceeded to the spot, where he met the first informant Rajesh, who informed that the unconscious man lying there was Kamal, working as a truck driver with him for the past three years. When Kamal did not respond, Rajesh called the emergency services. Upon arrival at the crime scene, the investigation team did not find any blood spots or visible injuries, so Kamal

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was taken to MV hospital where he was declared brought dead by the doctor. After placing the dead body in mortuary and informing the wife of the deceased, the Investigating Officer proceeded further with the investigation. The post-mortem report of the deceased mentioned the cause of death as cerebral damage and spinal shock caused by injuries to head and neck, inflicted by blunt force. Thereafter, during investigation around the scene of incident, the Investigating Officer met two eyewitnesses namely Mukesh and Kanhaiya and he recorded their statements. Thereafter, both of them were examined on oath under Section 183 BNSS before the concerned Magistrate. In their statement on oath before the Magistrate, the said two eyewitnesses disclosed that on the fateful day, truck being driven by the deceased hit the motorcycle of the employer of the petitioner Ajayveer, which led to an altercation between them and in the process, the petitioner Ajayveer pulled the deceased through window of driver seat of the truck due to which the deceased Kamal fell headwards on ground and suffered injuries after which the petitioner Ajayveer dragged the deceased Kamal to the other side of the road. The eyewitness Mukesh in his statement on oath also added that the deceased Kamal appeared to be intoxicated. In this regard, even widow of the deceased in her statement under Section 161 CrPC stated that the deceased was an alcoholic.

3. In this background, learned counsel for petitioner submits that the petitioner is innocent and has been falsely booked in this case. Further, it is contended that even going by the prosecution version, no weapon was used



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and it was only in the heat of the moment that the petitioner pulled the deceased out of truck driver window but the deceased unfortunately fell on his head.

4. Chargesheet has already been filed.

5. There is no serious opposition to the bail application because the incident was not anticipated by anybody and there was no motive for petitioner to cause death of the deceased.

6. Considering the above circumstances, the petition is allowed and the petitioner is directed to be released on bail, subject to his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Trial Court and the petitioner is directed not to contact any of the witnesses of the prosecution, otherwise, consequences shall follow. A copy of this order be sent to the concerned Jail Superintendent for being communicated to the petitioner.

GIRISH KATHPALIA
(JUDGE)

MARCH 27, 2025/as

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