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

+ **BAIL APPLN. 282/2025**

DEEPAK DABAS

.....Petitioner

Through: Mr. Arvind Varma, Senior Advocate
with Mr. Rinku Garg, Mr. Manik Rai
Bhalla, Mr. Kunal Narang, Mr.
Prashant Dahiya, Mr. Jitender Kumar
and Ms. Smridhi Sharma, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Rajesh Kumar, SPP for CBI with
Mr. Changez Khan, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.03.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS seeks regular bail in case No. RC-06(S)/2021/CBI/SC-III/New Delhi, under Sections 304/323/34 of the IPC, registered with CBI.
3. The case of the prosecution is that an FIR bearing No. 451/2021, under Sections 302/323/341/34 of the IPC was registered at P.S. Hari Nagar against Narender Meena, the then Deputy Superintendent (Chakkar) and other officials for the murder of an undertrial prisoner (hereinafter referred as, 'UTP') and injuring two other UTPs. The aforesaid FIR was transferred to the CBI for investigation by order dated 08.09.2021 of this Court in W.P.(CRL) 1558/2021. After completion of the investigation, the chargesheet has been filed and the same, after committal, is pending adjudication before the learned



Special Judge (PC Act), Rouse Avenue Court, Delhi. The case of the prosecution is that the present applicant alongwith other co-accused persons had caused the death of the UTP, namely, Ankit Gujar by inflicting various injuries in person on him. The case of the prosecution is that the UTP died due to hemorrhage consequent upon cumulative effect of multiple blunt force injuries sustained to the body of the deceased on 03/04.08.2021.

4. Learned Senior Counsel appearing on behalf of the applicant submits that the main accused in the present chargesheet, as per the case of the prosecution, i.e., Narender Meena, whose fight with the deceased was the genesis of the alleged incident, had already been granted bail by the Hon'ble Supreme Court *vide* order dated 06.01.2025 passed in Criminal Appeal No. 128/2025 arising out of SLP (Crl.) bearing diary No. 45425/2024. The said order dated 06.01.2025 reads as under: -

“Leave granted

The appellant has been charge-sheeted for the offences punishable under Sections 304 and 323 read with Section 34 of the Indian Penal Code, 1860. Considering the facts and circumstances of the case, we are inclined to set aside the impugned order and grant bail to the appellant.

Accordingly, the impugned order is set aside and the appellant is granted bail on terms and conditions to the satisfaction of the Trial Court.

The appeal stands allowed accordingly.

Pending application(s), if any, shall stand disposed of.”

5. It is further pointed out that thereafter three other co-accused persons, namely, Ram Avatar Meena, Harfool Meena and Vinod Kumar Meena also have been granted bail by this Court in BAIL APPLN. 2532/2024, BAIL APPLN. 1894/2024 and BAIL APPLN. 1895/2024 respectively *vide* separate orders dated 14.01.2025. It is submitted that the role of the present applicant is similar to the aforesaid co-accused persons who had given beatings to the deceased. It is submitted that all the other co-accused persons in the present



case have been released on bail.

6. Per contra, learned SPP for CBI submits as per the statement of witness Gurpreet Singh the present applicant had offered Rs. 50 lakhs to 'Chavvanni' to take the blame of the incident upon him. It is further submitted that one witness namely Viplav Sarkar also reported that the present applicant had been threatening him to change his statement and a complaint was also made by one witness, Gurpreet Singh, to show that similar threats were being extended by the other co-accused persons including the applicant. Learned SPP for the CBI further relies upon the judgments of Hon'ble Supreme Court in **Ajay Kumar Yadav v. State of Uttar Pradesh and Others, 2024 SCC OnLine SC 467** and **Deepak Yadav v. State of Uttar Pradesh And Another, (2022) 8 SCC 559**, and submits that it is the case of custodial death and therefore, the bail should not be granted to the present applicant.

7. Heard learned counsel for the parties and perused the record.

8. On a pointed query from the learned SPP for CBI, it is submitted that the role of the present applicant is similar to other co-accused persons except the fact that the aforesaid statements made by the witnesses with regard to threats being extended to them as well as alluring some other person to take the blame of the said incident.

9. In rejoinder thereto, it is pointed out by the learned Senior Counsel appearing on behalf of the applicant that the statement of the Gurpreet Singh with respect to the offer made by the applicant to one 'Chavvanni' is in the nature of hearsay evidence as the statement of said 'Chavvanni' has not been recorded. It is further pointed out that the allegations of threats had been made with respect to other co-accused persons also who have already been granted bail.



10. The proceedings before the learned Trial Court is at the stage of consideration on the point of charge and all the co-accused persons have already been granted bail. The present applicant was earlier released on interim bail and the same was extended till today.

11. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 1,00,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- (i) The applicant shall not leave India without prior permission of the learned Trial Court.
- (ii) The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- (iii) The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- (iv) The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- (v) The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

12. The application is allowed and disposed of accordingly.

13. Pending applications, if any, also stand disposed of.

14. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.

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



16. Order be uploaded on the website of this court forthwith.
17. Copy of the order be given dasti under the signatures of the Court Master.

AMIT SHARMA, J

MARCH 06, 2025/sn

Click here to check corrigendum, if any