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

+ **BAIL APPLN. 601/2024**

MANOJ

....Petitioner

Through: Mr. Kanhaiya Singhal, Ms. Prasanna,
Mr. Ajay, Ms. Ankita Makan, Ms.
Anisha Rastogi, Mr. Aditya Saraf,
Mr. Pulkit Jolly, Ms. Tamanna, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP
Inspector Manmeet Singh
Inspector Rajni Chopra
PS Khyala

**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

ORDER
13.01.2025

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1. This is an application under Section 439 of the CrPC seeking grant of bail in F.I.R No. 148/2017 under Sections 302/379/411/34 IPC registered at Police Station Khyala.
2. As per the F.I.R, one Sunil Meenawala was attacked by a group of people including the petitioner.
3. The allegation against the petitioner is that he had stabbed the deceased. Hence, the present F.I.R.
4. As per the Nominal Roll dated 09.12.2024, the petitioner has undergone a period of 7 years 6 months and 23 days in custody.



5. There is another F.I.R under Section 392/397/34 IPC in which the petitioner has already been acquitted on 07.03.2023.
6. The evidence of PW-6 i.e. the sister of the deceased, an eye witness, states as under:
*“Manoj stabbed my brother Sunil on the front side of the chest;
Kuldcep stabbed my brother Sunil on the right side of stomach;
Deepak @ Langra caught hold my brother Sunil from behind.”*
7. Ms. Dalal, opposing that bail states that the allegations against the petitioner are of serious and grave and there are eye witnesses who have seen the petitioner stabbing the deceased.
8. In addition, there are 17 punishment tickets given to the petitioner in the jail.
9. She further states that the gold chain of the deceased was recovered from the petitioner.
10. I have heard learned counsel for the parties.
11. A perusal of the status report shows that the allegation against the petitioner was of stabbing.
12. The petitioner still continues to be an under-trial prisoner and the charges are yet to be proved. He has already spent a period of 7 years 6 months in jail.
13. In addition, there are 61 witnesses named by the prosecution, out of which only 10 have been examined and I am of the view that the trial will take considerable period of time.
14. In addition, a similar co-accused of Kuldeep @ Sanjay, has already been granted bail *vide* order dated 28.08.2023 by the Trial Court.



15. A perusal of the punishment tickets shows that most of them were on account of the petitioner having prohibited articles in jail and there has been no punishment for the last more than 1 year.
16. For the said reasons, the petition is allowed and the petitioner is directed to be released on regular bail in FIR No. 148/2017 registered at Police Station Khyala subject to the following terms and conditions:
 - (a) The applicant shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
 - (b) The applicant shall provide his mobile number to the concerned IO, which shall be kept in working condition and switched on at all times. The petitioner shall also provide his permanent residential address and in case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned IO as well as to the concerned Court;
 - (c) The applicant shall not leave the country without permission of the concerned Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
 - (d) The applicant shall not directly/indirectly try to get in touch with any prosecution witnesses or be in their vicinity or tamper with the evidence,
 - (e) The applicant shall appear on every date of hearing, unless exempted by the Court.



17. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
18. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

JANUARY 13, 2025/sp

Click here to check corrigendum, if any