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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 844/2024

SUMIT

.....Petitioner

Through: Mr. Vineet Jain, Adv.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP

SI Neeraj Kumar, PS Anand Parbat

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

04.02.2025

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1. This is a petition filed under Section 439 of Cr.PC seeking grant of bail in F.I.R No. 96/2023 under Section 302 of IPC registered at Police Station Anand Parbat.
2. As per the F.I.R, a call was received and a GD No.: 0097A entry was made regarding the death of the deceased Jitender Kumar Sharma.
3. The call was made by the wife of the deceased, namely Ms. Babli, who was residing separately for the last 3 years.
4. Subsequently, the police arrived and found the body of the deceased, Jitender Kumar Sharma.
5. After investigation the petitioner was arrested on the statement of Mr. Itwari Lal @ Mall S/O Mr. Jagdish, who stated that he, the petitioner and the deceased, Jitender Kumar Sharma, were consuming liquor on the day of the incident but Itwari Lal left the spot around 6/6:30 p.m, leaving the petitioner and his father alone.
6. Additionally, Itwari Lal @ Mall also stated that the petitioner came to his house at 8:00 p.m and confessed that he had strangulated his



father.

7. Hence the petitioner was arrested on the last seen evidence.
8. As per the Nominal Roll, the petitioner has undergone 1 year 11 months and 23 days of custody.
9. I have heard the learned counsels for the parties.
10. In the present case, there is no eye witness to the incident. Mr. Itwari Lal @ Mall, who was the witness to the last seen evidence, has already expired and has not tendered his evidence.
11. The DNA examination also shows
“the male DNA profile generated from the source of exhibits ‘3a & 3b’ (Nail clippings of deceased Jitender Sharma) is not similar with male DNA profile generated from the source of exhibit “4” (Gauze cloth piece of accused Sumit).”
12. Hence the DNA profile of the petitioner does not match with that of the deceased.
13. The petitioner has been in custody for almost 2 years and only 14 out of 34 witnesses have been examined and there is no likelihood that the trial would conclude in the near future.
14. For the said reasons, the present petition is allowed and the petitioner is directed to be released on bail in F.I.R No. 96/2023 registered at Police Station Anand Parbat subject to the following terms and conditions :-

- a. The petitioner shall furnish a personal bond in the sum of Rs 10,000 (Rupees ten thousand only) each with 1 surety in the like amount, to the satisfaction of the concerned trial court;



- b. The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a passport, he shall surrender the same to the concerned trial court;
 - c. The petitioner shall furnish to the IO concerned the cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched on at all times;
 - d. The petitioner will furnish his permanent address to the concerned IO and in case he changes his address, he will inform the IO concerned;
 - e. The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
 - f. The petitioner shall appear in Court on every date of hearing unless exempted;
 - g. The petitioner shall not communicate with, or come into contact with any of the prosecution witnesses, or tamper with the evidence of the case.
15. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
16. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 4, 2025/sp