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

+ **BAIL APPLN. 1638/2024**

GAURAV @ PONI

.....Petitioner

Through: Mr. Pradeep Chowdhary, Mr. Vikrant Chowdhary and Mr. Gaurav Kapoor, Advs.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State with Inspector Aadesh Kumar, PS-Anand Parbat.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

21.04.2025

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1. This is a first regular bail application filed on behalf of the petitioner/accused under section 439 of the Cr.P.C. in case FIR no. 352/2023 under Section 302/34 IPC, registered at PS-Anand Parbat.
2. As per status report, on 12.06.2023 the dead body of Asif was found lying on the footpath New Rohtak Road.
3. During investigation, it came to be known that on the same night a quarrel between some persons took place in the area of PS-Sarai Rohilla and in the said quarrel one personal namely Kamal sustained injuries.
4. Co-accused Kamal was traced and he disclosed the name of the deceased as Asif and confessed his involvement. Petitioner was arrested on 12.06.2023 and the clothes worn by him at the time of incident were seized.
5. During investigation, statement of one witness Sanjay @ Hanuman



was recorded who stated that on 11.06.2023 at about 10:00 PM, when he was walking on the Rohtak Road, he saw Kamal, Deepak, Gaurav, Amir, Sonu and Raju were beating one boy and Raju stabbed him with Knife.

6. The testimony of Sanjay @Hanuman has since been recorded before the Trial Court.

7. The learned counsel of petitioner submits that PW- Sanjay @Hanuman has turned hostile and has not supported the prosecution case. He produces the copy of such statement recorded before the Trial Court. In said statement, PW-1 deposed that he had not seen any incident of quarrel or beating on the day of incident and that police made him sign a written paper without telling him the contents and he could not read the same being illiterate.

8. PW-1 was cross-examined by the learned public prosecutor with the permission of the court and in such cross-examination, even though he identified the petitioners/accused, he denied having seen any incident.

9. Learned APP fairly states that Sanjay @ Hanuman is the only witness of the occurrence qua the present petitioner, all other witnesses being the witness of investigation and of formal nature.

10. Without making any observation on the merits of the case or upon the merits of the testimonies of PW-1 Sanjay @ Hanuman, keeping in view the entire facts and circumstances and nature and quality of evidence qua the present petitioner/accused, the petitioner is admitted to bail, subject to the following conditions.

- a) The petitioner shall furnish a personal bond in the sum of Rs 30,000/- (Rupees thirty thousand only) with a surety in the like amount, to the satisfaction of the concerned trial court/duty magistrate.



- b) The petitioner shall regularly appear before the before the Trial Court as and when directed.
 - c) The petitioner shall not try to intimidate, threaten and communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.
 - d) 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.
11. The petition stands disposed of in the aforesaid terms. However, it is made clear that nothing stated in this order shall tantamount to an expression on the merits of the case.

RAVINDER DUDEJA, J

APRIL 21, 2025
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