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

+ **BAIL APPLN. 2822/2024**

RAJA

.....Petitioner

Through: Mr. Anil Kr. Basoya, Mr. Mohd.
Arbab, Mr. Aman Deep Sorout, Mr.
Manoj Kumar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
Inspector Muneesh Kumar,
PS Ambedkar Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
27.01.2025

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1. This is a petition filed under Section 483 of BNSS, 2023 seeking grant of regular bail in F.I.R No. 146/2021 under Sections 302/109/120B/34 of IPC and sections 25 & 27 of Arms Act registered at Police Station Ambedkar Nagar.
2. As per the FIR, one Kunal was shot by unidentified assailants.
3. After completion of investigation, chargesheet was filed against several accused persons including the petitioner.
4. In the chargesheet, it is alleged against the petitioner that the petitioner had threatened the deceased in the presence of PW-2 Sagar that he would get him eliminated through co-accused Shahrukh and the petitioner was involved in the conspiracy to commit murder of the deceased.



5. Further, PW-2 has stated that it was the petitioner who had done *recci* to inform the whereabouts of Kunal prior to his attack.
6. Learned Trial Court has framed the charges against the petitioner and the trial is ongoing.
7. In the present case, besides the statement of PW-2 i.e. Sagar, there is nothing incriminating against the petitioner. Further, it is not the petitioner who had attacked the victim or fired upon the victim.
8. As per the chargesheet and two supplementary chargesheets, total 34 witnesses are cited and out of which only 4 have been examined till today. It seems that the trial in the present case is unlikely to be concluded in near future and will take substantial time.
9. On perusing the Nominal Roll dated 24.01.2025, the petitioner has already undergone 3 years 8 months 25 days. The petitioner is still an under-trial prisoner.
10. As per the status report, a call was received on the mobile phone of the petitioner by one Bunty (lodged in jail) and instructed to help accused Shahrukh. However, I am informed that Bunty is neither a witness nor an accused in the present case.
11. Mr. Chauhan, learned APP states that there are 3 other cases pending against the petitioner.
12. In FIR No. 145/2021 registered under Section 307/120/109, the petitioner is already on bail, in FIR No. 534/2020 registered under Section 20 of NDPS Act, the petitioner is already on bail and the third complaint is under Section 138 of Negotiable Instruments Act. The petitioner has not been convicted in any of these cases and is still an under-trial prisoner.



13. For the said reasons, the petition is allowed and the petitioner is directed to be released on regular bail 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.



14. All the observations made herein above are only for the purpose of deciding the present petition and will have no effect on the merits of the case pending.
15. A copy of this order be communicated to the concerned jail authorities for necessary compliance.
16. The petition along with pending applications, if any, are disposed of.

JASMEET SINGH, J

JANUARY 27, 2025/sp

Click here to check corrigendum, if any