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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4119/2023**
DEEPAK @ LANGDA

.....Petitioner

Through: Mr. Vineet Jain, Adv.

versus

STATE GNCT 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 Cr.PC 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. It is alleged that the petitioner along with other accused persons, gave blows the deceased and also stabbed him with a knife resulting in his death. Hence, the present F.I.R.
4. As per the Nominal Roll dated 27.01.2024, the petitioner has already spent a period of 3 years 11 months and 3 days in custody and as of today, the petitioner would have undergone close to 5 years of



incarceration.

5. Para 5 of the status report reads as under:

“That deceased Sunil @ Meenawala was stopped by all of them. All six of them cornered Sunil @ Sunil Meenawala. Accused Manoj caught hold of the collar of Sunil, CCL S@C stabbed him on his thigh, back and CCL A @ KB stabbed on his chest and accused Manoj also stabbed Sunil and all rest of them gave beatings to Sunil @ Sunil Meenawala with Lathis an Iron Rod. Sunil @ Sunil Meenawala fell on the ground and after killing him accused Manoj took his the Gold Chain.”

6. Ms. Dalal, learned APP opposes the bail and states that all eyewitnesses have identified the petitioner.
7. I have heard learned counsel for the parties.
8. A perusal of the F.I.R shows that the allegation against the petitioner is that he had hit the deceased with lathi/ iron rod.
9. There is no averment in the status report that it was the petitioner who had stabbed the deceased with a knife.
10. In addition, a similar co-accused of Kuldeep @ Sanjay, has already been granted bail *vide* order dated 28.082023 by the Trial Court.
11. In addition, there are 61 witnesses named by the prosecution, out of which only 10 have been examined and the trial will take considerable time.
12. Since in the present case,
- a) co-accused has already been granted bail;
 - b) the role assigned to the petitioner is that of giving lathi blows/hitting the deceased with iron rod and not stabbing; and



- c) only 10 out of 61 witnesses have been examined and the trial will take considerable time, the petitioner should be enlarged on bail as he continues to be an under-trial prisoner and the charges against him are yet to be proved.
13. There is another F.I.R No. 77/2025 against him in which the petitioner has been acquitted.
14. 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.
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

JANUARY 13, 2025/sp

Click here to check corrigendum, if any