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

+ **BAIL APPLN. 3046/2024**

DEV SARKAR @ ANURAGPetitioner
Through: **Mr.Suraj Prakash Sharma,**
Advocate.

versus

THE STATE (N.C.T. OF DELHI)Respondent
Through: **Mr. Naresh Kumar**
Chahar, APP for the State
with Insp. Hari Singh, PS
Kapashera and SI Ankur,
PS Tilak Nagar.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
28.03.2025

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1. The present application is filed seeking regular bail in FIR No. 398/2022 (hereafter '**the FIR**') dated 11.04.2022, registered at Police Station Tilak Nagar for offences under Sections 302/34 of the Indian Penal Code, 1860 ('**IPC**').

2. The brief facts of the case are that a DD entry was received at Police Station Tilak Nagar regarding admission of one person in the hospital with stab injury. During the course of the treatment, the injured victim namely Ranjeet Singh (hereafter '**the deceased**') succumbed to his injuries. The FIR was registered under Sections 302/34 IPC pursuant to a statement given by the father of the deceased. It is alleged that the deceased while being shifted to the hospital had told his father that the applicant and other co-accused persons had beaten the deceased and one accused person namely Golu had stabbed him with knife.



3. During the course of the investigation, the statement of the eye witness namely Khushpreet (cousin of the deceased) was recorded who stated that on 10.04.2022, an altercation had taken place between the deceased and other accused persons. It is alleged that in the midst of the quarrel, the accused persons gave multiple blows to the deceased. It is alleged that the matter was then compromised between the parties, and the deceased along with his cousin Khushpreet had left the spot. It is alleged that thereafter, the accused persons came to the scene of the crime, and assaulted the deceased. It is alleged that co-accused namely Bholu choked the deceased from behind, co-accused Amit@Golu stabbed the deceased in his thigh, and the other co-accused persons including the applicant inflicted kicks and fist blows to the deceased.

4. During the course of the investigation, CCTV footage was also obtained which according to the prosecution showed the presence of the accused persons including the applicant in the vicinity of the place of incident.

5. The applicant was arrested in the present case on 11.04.2022.

6. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that the material witnesses have already been examined, and they have not supported the case of the prosecution. He submits that the applicant is not involved in any other offence, and has clean past antecedents, and consequently prays that the applicant be enlarged on bail.

7. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the allegations levelled against the



applicant are serious in nature.

Analysis

8. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, the long period of incarceration is also a relevant factor that is to be considered.

9. The allegation against the applicant is that the applicant along with the other co-accused persons inflicted kicks and blows to the deceased, and co-accused Golu stabbed the deceased. The deceased subsequently succumbed to his injuries. It is the case of the prosecution that the applicant along with the other co-accused persons are involved in the commission of the murder of the deceased.

10. It is case the of the prosecution that a CCTV footage was obtained that showed the presence of the applicant along with the other accused persons at the scene of the crime. Whether the applicant was present at the scene of the crime and was involved in the commission of the alleged crime or not is a subject matter of trial, and cannot be tested at this stage.

11. It is not disputed that all the material witnesses have turned hostile and have not supported the case of the prosecution. The father of the victim also deposed that he had not seen any accused persons nor had the deceased told him anything in



relation to the accused persons.

12. The applicant has been in custody since 11.04.2022. The applicant is also stated to be of clean antecedents.

13. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

14. Considering the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- (i) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- (ii) The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- (iii) The applicant shall appear before the learned Trial Court as and when directed;
- (iv) The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- (v) The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times.



15. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

16. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

17. The present bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 28, 2025

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