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

+ **BAIL APPLN. 3717/2024&CRL.M.A. 30903/2024**

JATIN RANA

.....Petitioner

Through: Mr. Pardeep Khatri, Mr. Jatin Dhull,
Mr. Sumit Rana & Ms. Rimpay Khatri,
Advs.

versus

THE STATE (GNCT OF DELHI))

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
Insp. Dinesh Kumar & SI Dilsukh,
P.S. K.N. K. Marg, Rohini.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

14.02.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS, 2023 (439 of the Cr.P.C.) seeks regular bail in case FIR No. 240/2022, under Sections 302/307/201/482/120-B/34 of the IPC and Sections 25/27/54/59 of the Arms Act, registered at P.S. K.N.K. Marg.
3. The case of the prosecution as per the status report dated 12.02.2025 authored by SHO P.S. K.N.K. Marg, which is handed up in Court, is as under:-

“1. That, above noted case was registered on the information received vide DD No. 121A, Dated-23.03.2022, wherein it was informed that "Lady caller ke husband ko kisi ne goli maar di hai"

2. That, SI Yogesh along with Ct. Sunil No.- 1309/RD reached at the spot, where empty cartridges were found near a white colour Jaguar No. CH 01CC 0864 and a white Colour Swift Car Registration No. DL FFA 0054. During enquiry it came into the



notice that injured person has been admitted at BSA Hospital for treatment.

3. That, scene of crime was got inspected by team of FSL, Rohini and District Mobile Crime Team. Nine empty cartridges and five lead were taken into police possession through seizure memo from the spot. Injured Shekhar Rana @ Sannata S/o Inderjeet R/o Village Khera Kalan, Delhi, Age-23 Years was found under treatment in BSA Hospital, Rohini vide MLC No. 4611/22. But he was unable to give any statement due to pain. No eyewitness of scene of crime met. Hence, present case was registered on DD entry U/S-307 IPC & 25/27/54/59 Arms Act.

4. That, injured was transferred to Max Hospital, Shalimar Bagh for further treatment but he succumbed to his injuries on 24.03.22 at 2.50 AM. Thus section 302 IPC was invoked in the present case.

5. That, on 24.03.2022 autopsy examination over the deceased conducted at Dr. BSA Hospital, Rohini vide PM No. 203/22. Two bullets recovered from his body, during autopsy examination.

6. That, on 29.03.22 accused Manmohan @ Gaurav S/o Shyam Lal R/o House No. - 134, Jain Mohalla Village Khera Kalan, Delhi, Age- 22 Years was arrested in the present case and his disclosure statement was recorded. He disclosed that in the intervening night of 3/4 -03-22 he met with present accused Jatin Rana and hatched plan to murder deceased Shekhar @ Sannata. Jatin Rana told him that Anshul Rana shot him in hand and Shekhar @Sannata was also involved in the incident. Jatin also made him talk with Co-accused Rohit @ Moi on telegram app. Rohit @ Moi told that they want to murder Shekhar @ Sannata to take revenge.

7. That, on 02.04.22, present accused was arrested by St Sanjeev Kumar Special Cell/NR/u/s- 41.1(A&D) Cr.pc. He (SI Sanjeev) recorded disclosure statement of present accused, wherein accused confessed his involvement in murder of deceased Shekhar @ Sannata. He disclosed that he was spying deceased from some time. He also tried to execute murder of deceased, but couldn't succussed. Accordingly, accused was arrested in the present case and his disclosure statement was recorded in the



present case, wherein he repeated his involvement.

8. On 18.06.22, accused Rohit @ Moi was formally arrested in Tihar Jail, after obtaining necessary permission from Hon'ble Court. Disclosure statement of accused Rohit @ Moi recorded. He also disclosed involvement of present accused in their plan to murder Shekhar @ Sannata. Charge sheet of the case against present accused along with co-accused Manmohan @ Gaurav and Rohit @ Moi filed in the Hon'ble Court.

9. That, shooters namely Atul @ Mot and Sunny Kakran also arrested and supplementary charge-sheet against them filled in the Hon'ble Court.

10. That, recently remaining accused Deepak @ Boxer S/o Suresh formally arrested on 16.11.23 after obtaining permission from Hon'ble Court. He also confessed involvement of present accused.

11. That, on 14.03.22 charges U/S-120B/302 IPC framed against present petitioner.”

4. Learned counsel appearing on behalf of the applicant submits that the entire case of prosecution *qua* the latter is based on disclosure statements. It is further submitted that the case of conspiracy which is sought to be proved by the prosecution primarily relies on the disclosure statements made by the other co-accused persons as well as the present applicant. It is further submitted that no recovery has been effected from the present applicant. It is also not the case of the prosecution that he was present at the spot on the date of incident i.e. 23.03.2022. It is also pointed out that prosecution has cited 5 public witnesses out of which 4 have been examined, and one PW-5 Dev @ Nanu is currently being examined, his examination was deferred on account of non-production of CCTV footage. It is submitted that it is not the case of the prosecution that the present applicant was seen in the CCTV footage or PW-5 is identifying him.



5. *Per contra*, learned APP for the State submits that the case is of conspiracy and only apprehension of the prosecution is that PW-5 is still under examination which is being deferred on account of non-production of CCTV footage. On a pointed query, learned APP for the State, on instructions submits that the case *qua* the present applicant is based on disclosure statements and that PW-5 otherwise is not a witness for the applicant's identification.

6. Heard learned counsel for the parties and perused the records.

7. Admittedly, the case with respect to the present applicant is of conspiracy and the evidence relied upon by the prosecution are disclosure statements of various co-accused persons including the present applicant. It is not the case of the prosecution that the applicant was present at the spot while the incident took place in which the deceased was shot. So far as the apprehension of the prosecution is concerned, the part examination-in-chief has been placed on record where it is seen that the said witness has not named the present applicant in any manner so far. The prosecution has cited 5 witnesses out of which 4 have been examined and one is partly examined. As per the status report and the IO, the present applicant is not involved in any other offences.

8. Nominal roll dated 31.12.2024, shows that he has been in custody since 02.04.2022 and has approximately undergone 2 years 9 months.

9. In totality of the facts and circumstances, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:



- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall report at the concerned Police Station on every Wednesday at 12:00 noon and the concerned officer is directed to release him by 1:00 PM after recording his presence and completion of all the necessary formalities.
- vi. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
10. The application is allowed and disposed of accordingly.
11. Pending application, if any, also stand disposed of.
12. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
13. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
14. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

FEBRUARY 14, 2025/nk/pr *Click here to check corrigendum, if any*