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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4179/2024

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.....Petitioner

Through: Mr. Pradeep Rana, Mr. Gagan Bhatnagar, Ms. Riya Rana, Mr. Ankit Rana, Mr. Sujeet Biniwal, Mr. Tushar Rehometra, Mr. Rahul Parashar and Mr. Deepak Chillar, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State with Insp. Manish Bhati, PS. Bhalswa Dairy.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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14.02.2025

1. The present petition has been filed under Section 483 BNSS seeking regular bail in connection with FIR No.657/2022 under Sections 302/34 IPC and Sections 25/27 of Arms Act registered at Police Station Bhalswa Dairy.
2. The case of the prosecution is that on 06.08.2022, a PCR call was received regarding an incident and the caller stated that three boys had shot someone who is now dead and admitted in Jag Jeevan Hospital. The names of the petitioner who shot the deceased were mentioned as Nishant and Deepu. The case of the prosecution is based on the testimony of sole eye witness namely, Kajal, who had stated that she had seen the accused persons committing the offence.
3. Mr. Pradeep Rana, the learned counsel for the petitioner submits that



the case of the prosecution hinges only on the testimony of the sole eye-witness namely Kajal and she has not supported the case of the prosecution at all.

4. In support of his contention, he has invited attention of the Court to the testimony of Kajal, who was examined as PW-2.

5. A perusal of the testimony of the PW-2 shows that the said witness had stated that she came to the place of incident after the incident had already taken place. The said witness also stated in unequivocal terms that she had not seen as to who killed the deceased Ankit Shukla. A perusal of the testimony also shows that the witness could not identify the accused persons even in the Court.

6. The learned APP, on instructions from the I.O, who is present in Court also fairly concedes that the sole eye-witness namely, Kajal has not supported the case of the prosecution.

7. Having regard to the aforesaid circumstances, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted on bail subject to his furnishing a Personal Bond in the sum of Rs. 20,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CJM/Duty JM, further subject to the following conditions:

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.



- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
8. The petition stands disposed of.
9. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.
10. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
11. Order *dasti* under signatures of the Court Master.
12. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 14, 2025/dss