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

+ **BAIL APPLN. 4304/2024**

KRISHAN @ GATTU

.....Petitioner

Through: Mr Bharat Bhushan Kaushik, Mr Himanshu Kaushik, Mr Yuganshu Sharma and Mr Akash Kumar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms Priyanka Dalal, APP for State
Inspector Net Ram, PS-Jahangir Puri
Mr Robin Bhardwaj, Ms Vandana Bhanot,
Mr Javed Akhtar, Advs. for R-2 (through VC).

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

10.01.2025

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1. This is a petition seeking regular bail in FIR No. 176/2024, under Sections 302/34 IPC, registered at Police Station – Jahangir Puri.
2. The allegations in the FIR are that one Prakash had an altercation with a CCL. On 27.03.2024, CCL stabbed Prakash while the petitioner- Krishan @ Gattu held the Prakash from behind and incited the CCL to stab Prakash. Subsequently, the deceased succumbed to his injuries. Hence, the FIR.
3. It is stated by Mr Kaushik, learned counsel for the petitioner that the petitioner is in custody since 29.03.2024, there is no eyewitness to the incident, the CCTV does not show the petitioner holding Prakash from behind and in fact there is a CCTV footage which shows that it was the petitioner who took Prakash to the hospital after the aforesaid incident.
4. A perusal of the FIR registered by Ms. Chandrawati i.e. Mother of the



deceased Prakash seems to suggest that she was an eyewitness to the incident and she saw the petitioner holding the deceased. I have also perused the CCTV footage which shows that the petitioner along with co-accused CCL are going towards the deceased.

5. The CCTV footage shown to me does not indicate whether it was the petitioner who held the victim from behind but the same can only be proved in trial. The fact that the petitioner took the victim to the hospital is also not discernable from the CCTV footage.

6. The charges are framed against the petitioner and the matter is put for prosecution evidence. The allegations against the petitioner are of serious in nature. The mother of the deceased being the eye witness as well as another eye witness are yet to be examined.

7. For the above said reasons, I am not inclined to entertain the petition at this stage. The petition is dismissed.

8. The petitioner is at liberty to file subsequent bail application once the eye witnesses are examined.

JASMEET SINGH, J

JANUARY 10, 2025

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[Click here to check corrigendum, if any](#)