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

+ **BAIL APPLN. 4311/2024**

SUJAL SONKAR

.....Petitioner

Through: Mr. Rahul Thakur, Mr. Deepak
Manchanda and Mr. Narvir Singh,
Advocates.

versus

THE STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP for State along
with Mr. Mukesh Kumar Sharma and
Ms. Shalini Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
12.02.2025

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1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 (herein '*Cr.P.C.*') has been filed on behalf of the applicant, seeking grant of regular bail in FIR bearing No. 492/2022, registered at Police Station Subzi Mandi, Delhi for offences punishable under Sections 302/212/506-II/120-B of the Indian Penal Code, 1860 (hereafter '*IPC*') & 25/27 of the Arms Act, 1959.

2. The present case came to be registered when, on the intervening night of 15/16.09.2022, an information of MLC was received from Hindu Rao Hospital at PS Subzi Mandi, Delhi, that one Nazim aged about 20 years had been brought by his neighbour Rahul and he had been declared dead. The present case was registered on the statement of eye witness Durgesh @ Rishi



who stated that on the night of the incident, he along with some of his friends namely Nazim, Wazid, Zaid, Wasif, Amaan, Bhura @ Asik, Sujal Sonkar and Arbaz were having a party, during which, Sujal Sonkar and Bhura @ Asik had started accusing Nazim that he was leaking information about their group to another group of Sonu Sardar. Sujal and Bhura @ Asif had told Amaan to kill Nazim by using *Katta* (fire arm) which he had given to Amaan earlier. Thereafter, Amaan had fired at Nazim on the neck and Nazim had fallen on the floor. On seeing this, the complainant Durgesh @ Rishi had brought Nazim on the ground floor and told Rahul to take him to the hospital in an auto rickshaw. Nazim was declared brought dead in the hospital. One used bullet and blood was found at the spot by the police team. In this regard, the present FIR was registered, and investigation was taken up. During the course of investigation, the accused Amaan was arrested and weapon of offence i.e. *Desi Katta* (fire arm) and one live cartridge was recovered at his instance which was seized through seizure memo. After completion of the investigation, chargesheet against accused persons was filed.

3. The learned counsel appearing for the applicant submits that the present case, the co-accused persons have been granted regular bail and similarly, the applicant also be granted bail considering the fact that all of them allegedly have the similar role in commission of offences. It is further argued that the all the prosecution witnesses examined till date have turned hostile and not supported the prosecution's story. Therefore, it is prayed that the applicant be also granted regular bail.

4. The learned APP appearing for the State, on the other hand opposes the present bail application and argues that this case involves commission of



a very serious and grave offence and if the applicant is granted bail, it will create prejudice as one prosecution witness is yet to be examined. Therefore, it is prayed on that the applicant be denied bail at this stage.

5. This Court has heard arguments advanced on behalf of both the parties and perused the material available on record.

6. In the present case, the allegations against the present accused/applicant are that he was a part of the criminal conspiracy and had instigated the co-accused persons to kill the deceased. It is also alleged that he was seen in the CCTV footage of the spot.

7. However, this Court notes that the prosecution witnesses examined so far before the learned Trial Court, have turned hostile. Only one prosecution witness remains to be examined whose testimony is now to be recorded on 28.03.2025. Further, all co-accused persons have already been granted bail.

8. Considering the overall facts and circumstances of the case, this Court is inclined to release the applicant on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, 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 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 phone switched on at all times.
9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
10. The bail application is allowed in the aforementioned terms.
11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 12, 2025/vc

Click here to check corrigendum, if any