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

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Date of Decision: 13.01.2025+ **BAIL APPLN. 4371/2024**

BHURA SINGH @ KUNAL THROUGH ITS PAIROKAR
BROTHER MR BABLUPetitioner

Through: Mr. Amit Kumar, Advocate

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Manoj Pant, APP for State

CORAM:**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J. (ORAL)**

1. The present application has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereafter 'BNSS') on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 633/2023, dated 09.09.2023, registered at Police Station Narela, Delhi, for offence punishable under Sections 302/394/397/201/182/120B/34 of the Indian Penal Code, 1860 (hereafter 'IPC').

2. Briefly stated, the facts of the case are that on receipt of DD No. 1A dated 09.09.2023, the Investigating Officer had reached the



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spot, where he had found a grey colour Hyundai I-10 Grand sports car, having registration No. DL9CAZ4688, with blood scattered on both the front seats as well as on its dash board. The injured had already been taken to SRHC Hospital, Narela by CATS ambulance. When the IO had reached the Hospital, he was informed that the patient had been brought dead. The other injured person, namely Khushvir Singh, had informed the IO, and the doctor concerned when the MLC was prepared, that while he was traveling with the deceased Charanjeet Singh, they were intercepted by a white colour car and the assailants had attacked them and had stabbed the deceased. On his statement, the present FIR was registered.

3. However, during investigation, the CCTV footage recovered from near the crime scene i.e. CNG Filling Station, Service Road, Singhu Road, Narela, Delhi revealed that the alleged white car, as informed by the complainant, had never come at the spot. During course of further investigation and analysis of the CCTV footage, some other vehicles were identified. A truck driver, namely Radhey Shyam, informed the police that on 08.09.2023, after getting his CNG filled from the aforesaid CNG filling station, when he was proceeding towards Singhu Border, he had seen only a grey colour Splender bike and a grey car. Another truck driver, namely Amarnath, also gave statement to the police that on 08.09.2023, after getting his CNG filled, he had seen a grey colour car and a bike parked there, and no white car was seen by him. During further investigation, a boy named Sohail, who runs a tea stall near the crime



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scene was examined, who gave statement that on 08.09.2023 he was present at his tea stall and had seen only one grey colour car, which was parked there for two hours, but had not seen any white car near the car of the victims. This created suspicion about the statement given by the complainant.

4. During investigation and interrogation, the complainant Khushvir Singh confessed that his employer Harender Chaudhary had hatched the conspiracy to murder the deceased Charanjeet Singh, who was employed with Harender Chaudhary. He informed the IO that Harender Chaudhary had hired the deceased Charanjeet Singh to increase profit of his company Reliable Aircon, which was engaged in trading of shares. The deceased had developed his own software to predict the movement of the share market and had stored that software in a hard disk, which he had kept with himself. However, the deceased had started demanding share in profits earned from trading in share market. When the deceased was adamant on his demand and had also started demanding a car i.e. XUV-700, though the car had been purchased by Harender Chaudhary, he had also hatched a conspiracy to get rid of Charanjeet Singh permanently. He had lured the present accused/applicant, on the pretext that he would increase his salary and would help in payment of his home loan, if he would join him in his conspiracy. Thereafter, they had made a plan to take the hard disk from Charanjit Singh and to eliminate him.

5. As per conspiracy hatched by Harender Chaudhary, the co-



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accused Jeetu Sharma and the present applicant Bhura were waiting for the deceased Charanjeet Singh and the complainant Khushvir Singh near Singhu Border. When they had stopped their car, co-accused Jeetu and the applicant Bhura had brutally attacked and stabbed the deceased with a sharp edged weapon multiple times, resulting in his death. On 06.10.2023, the complainant (co-accused) Khushvir Singh was arrested and at his instance, the sharp-edged weapon used in the commission of offence was recovered.

6. Ms. 'X', who is friend of co-accused persons Jeetu Sharma and Harry, had made a statement to the police under Section 161 of Cr.P.C., that she alongwith Jeetu had reached Dhaula Kuan, Delhi where Harender Chaudhary and Harry were present. While she was standing at a distance from them, they were speaking to each other for a while. Co-accused persons Jeetu Sharma and Harender Chaudhary had thereafter approached her and Harry, and had told them that they had made a blunder by committing murder of Charanjeet Singh. The co-accused Harender Chaudhary was arrested on 07.10.2023. The co-accused Jeetu Sharma and the present applicant Bhura were arrested on 10.10.2023.

7. After conclusion of investigation, chargesheet in this case was filed before the learned Trial Court, and charges under Sections 302/120B/394/ 397/201/182/34 of IPC were framed against the accused persons.

8. The learned counsel appearing for the present



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accused/applicant argues that the chargesheet has already been filed and charges have been framed against the accused persons. It is contended that the applicant is in judicial custody for more than one year, and there is no incriminating evidence on record, collected by the prosecution, which connects the applicant with the alleged offence. It is argued that the applicant has been arrested on the basis of disclosure statement of co-accused Jeetu Sharma. The learned counsel argues that the co-accused persons or the deceased were completely unknown to the applicant and there was no motive for him to commit the said offence, and thus, he has been falsely implicated in this case. Therefore, it is prayed that the applicant granted regular bail.

9. The learned APP for the State, on the other hand, contends that the WhatsApp call record reveals that the conspiracy was hatched between the accused persons, and that accused Harender Chaudhary had monitored and controlled execution of the plan, and the present accused was actively involved in stabbing the deceased alongwith co-accused Jeetu Sharma. It is argued that the allegations against the applicant are serious and grave in nature, i.e. of committing murder of an innocent person, who has been murdered only because co-accused Harender Chaudhary wanted to grab the software prepared by him to increase the profit of his company.

10. This Court has **heard** arguments addressed on behalf of the parties and has perused the material placed on record, as well as the



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status report filed by the State.

11. Having considered the same, this Court notes that it is the prosecution's case, in a nutshell, that the deceased in this case was stabbed multiple times by the present applicant Bhura and co-accused Jeetu Sharma. It was also revealed during investigation, that after commission of the crime, the applicant and co-accused Jeetu had fled away from the spot to Ballabhgarh, Faridabad, and location of both these accused persons was same at that point of time.

12. A perusal of the chargesheet also reveals that during investigation, at the instance of applicant Bhura, the blood stained clothes which he was allegedly wearing at the time of murder, as well as one Splender motorcycle which was used by the applicant and co-accused Jeetu during the commission of crime, were recovered. At this stage, it is also to be noted that the public eye witnesses, in their statements under Section 161 of Cr.P.C., have supported the prosecution's case, that they had seen a Splender motorcycle – of the present applicant – near the car of the deceased. The record also reveals that applicant Bhura had made frequent telephonic calls to co-accused Jeetu before and after the incident, and co-accused Jeetu had made frequent telephonic calls to co-accused Harender Chaudhary, before and after the commission of crime.

13. As per the Status Report and the chargesheet filed on record, the CCTV footage and the WhatsApp call record in this case revealed that the accused persons were in contact with each other and



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Harender Chaudhary was monitoring and controlling execution of the murder plan. Therefore, the role of the present accused/applicant is of committing the murder of deceased by stabbing and hitting him repeatedly. Charges against the applicant have already been framed, *inter alia*, for offences under Sections 302 and 120B of IPC. The Hon'ble Supreme Court in ***Vijay Kumar v. Narendra & Ors.: (2002) 9 SCC 364***, held as under, with regard to grant of bail in offences like murder punishable under Section 302 of IPC:

"10. ...The principle is well settled that in considering the prayer for bail in a case involving serious offences like murder, punishable under Section 302 IPC, the court should consider the relevant factors like the nature of the accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, and the desirability of releasing the accused on bail after the have been convicted for committing the serious offence of murder...".

14. This Court's attention was also drawn to the fact that co-accused Harender Chaudhary, who had allegedly hatched the entire conspiracy, was granted interim bail for a period of 15 days; however, he did not surrender on the expiry of said period and proceedings under Section 82 of Cr.P.C. were initiated against him.

15. In this case, the material witnesses and the public witnesses are yet to be examined before the learned Trial Court. Therefore, considering the overall facts and circumstances of the case, gravity of the offence, electronic and documentary evidence collected by the investigating agency at this stage, this Court finds no ground for grant of regular bail to the applicant.



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16. Accordingly, the bail application stands dismissed.
17. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
18. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 13, 2025/ns