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

+ **BAIL APPLN. 4676/2024**

SUNIL @ BALLU

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand,
Mr. Anant Chittoria, Mr. Deepak
Ahlawat, Mr. Prashant and Ms.
Mamta Rani, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with Inspector Braj Mohan,
SHO/ODRS.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

10.02.2025

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1. Second Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) read with Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC'*) has been filed on behalf of the Petitioner, for grant of Regular Bail in Case FIR No. 699/2015 under Section 302/394/201/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Railway Main Delhi (RMD).

2. The case of the prosecution is that on 07.11.2015, as per the statement of the Complainant, Rajender, deceased had been stabbed by three persons including the present Petitioner, on which the present FIR was registered. The FIR was registered on the basis of the Statement of the Complainant, who is an eye witness. After due investigations, Charge-Sheet had been filed



in the Court.

3. It is submitted that the Applicant was arrested on 26.11.2015. The co-accused Arun Kumar @ Mental was arrested on 01.12.2015. The other two co-accused, Satish @ Pelu and Sushil @ Sonu were arrested on the basis of disclosure statement of the co-accused, Abdul Gani, Applicant and Arun Kumar @ Mental but because of lack of evidence, co-accused, Satish @ Pelu and Sushil @ Sonu were discharged.

4. The Bail is sought on the ground that he is in judicial custody for last more than nine years and all the material witnesses have been examined.

5. **Further, as per the Prosecution**, the alleged role of the Applicant is of catching hold of the eye witness and then the deceased. However, the Prosecution witnesses have not supported the case of the prosecution and their testimony is full of contradictions. The Applicant further submits that no recovery has been made to connect the Applicant with the alleged offence.

6. There are 40 prosecution witnesses out of which 35 witnesses have been examined. The remaining witnesses are formal/official witnesses and the custody of the Applicant is no longer required. The statement of the eye witness is full of contradictions. There is no reliable evidence against the Applicant.

7. Interim Bail was granted to the Petitioner, on two occasions once *vide* Order dated 13.12.2023 for 15 days and again on 08.04.2024 for ten days and on both occasions, he surrendered within the time. The co-accused Sunil @ Pawa has already been granted bail.

8. In seven of his earlier cases registered in 2014-2015, he has already been acquitted. There is no likelihood of the Applicant threatening the



witnesses or tampering with the evidence. *Hence, the Regular Bail is sought.*

9. The ***Status Report*** has been submitted on behalf of the State wherein it is submitted that there are as many as 20 cases in the past registered against the Applicant. There is every likelihood of his absconding since he is a desperate criminal and the Bail Application is opposed.

10. **Submissions heard and the record perused.**

11. FIR has been recorded on the statement of an eye witness. Almost all the witnesses except the Investigating Officer, who has been recalled for further examination, remains to be examined. The trial is at its fag end. The criminal record of the Applicant shows that as many as 20 FIRs were registered in the past. All other serious offences like under Section 392/302 and 365 of the IPC and under Section 25 of the Arms Act.

12. Considering that the trial is almost at the fag end and the long past criminal history of the Applicant, it is not considered as a fit case for grant of bail, which is hereby dismissed.

13. The Bail Application is disposed of accordingly.

NEENA BANSAL KRISHNA, J

FEBRUARY 10, 2025/RS