



complainant *de facto* as he wanted to engage a counsel to assist the learned prosecutor. Accordingly, today I have heard learned counsel for accused/applicant and learned APP for the State as well as learned counsel for complainant *de facto*.

3. Broadly speaking, the prosecution case is as follows. On 29.10.2015, the complainant *de facto* lodged a missing report as regards his brother Pawan Kumar. Thereafter, on 01.11.2015, FIR was registered by police on the statement of the complainant *de facto* that his brother Pawan had not returned home; that on 28.10.2015, Pawan had left home at about 04:00pm to manage the accounts as he used to give money on loan; that before he left home, Pawan had received a phone call from Jitender @ Happy (*the present accused/applicant*); and that Pawan had not returned despite missing report dated 29.10.2015, so he suspected that Pawan was abducted by Jitender @ Happy and his brother Narender @ Pappan, with whom Pawan had exchange of hot words over money dispute on 27.10.2015. Subsequent to registration of the FIR, dead body of Pawan reflecting gunshot injuries coupled with smashed face was discovered. The further investigation revealed that the accused/applicant and co-accused Rahul Baisla had shot Pawan dead and after that they smashed his face.

4. Against the above backdrop, learned counsel for accused/applicant contends that all co-accused persons of this case already stand released on bail and in this regard learned counsel for accused/applicant has taken me through copies of those bail orders annexed with this application. It is



contended that the accused Rahul Baisla, who allegedly had the same role as the present accused/applicant also has been granted bail, so on parity the accused/applicant also deserves the same relief. It is also contended that out of 81 prosecution witnesses, only 32 have been examined till date while the accused/applicant is in custody since the year 2015, so even on that ground he deserves to be released on bail.

5. Learned APP for the State as well as learned counsel for complainant *de facto* do not dispute that the role ascribed to the accused/applicant is same as that ascribed to Rahul Baisla, who has already been granted bail. However, it is submitted by both of them that when the accused/applicant was released on interim bail during Covid period, he was declared a proclaimed offender and threatened the complainant *de facto* on 01.01.2024, so FIR No. 213/2024 was registered by PS Wazirabad. There is no other ground of opposition of bail.

6. As regards the FIR No. 213/2024, it is explained by learned counsel for accused/applicant that the same was registered much belatedly on 02.03.2024. Besides, it is also contended by learned counsel for accused/applicant that the complainant *de facto* had already been completely examined during trial by 27.05.2019, so there was no reason for the accused/applicant to threaten the complainant *de facto*.

7. Considering the overall circumstances, especially grant of bail to all accused persons including Rahul Baisla, who was ascribed same role as ascribed to the accused/applicant and also the fact that the accused/applicant



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is in jail since 2015 and end of trial does not seem to be in near future, I find this a fit case to grant bail.

8. The application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

9. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
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**GIRISH KATHPALIA
(JUDGE)**

JANUARY 17, 2026
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