
(2013) 05 DEL CK 0238

In the Delhi High Court

Case No : Bail Application No. 506 of 2013

Amit

APPELLANT

Vs

State NCT of Delhi

RESPONDENT

Date of Decision : 07-05-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 201, 302, 34

Citation : (2013) 2 JCC 1151

Hon'ble Judges : S.P. Garg, J

Bench : Single Bench

Advocate : Sameer Chandra and Mr. Sanjeev, for the Appellant; Rajdipa Behura, APP and Deepak, SI, for the Respondent

Final Decision : Disposed Off

Judgement

S.P. Garg, J.—Petitioner-Amit has filed application u/s 439 Cr.P.C. for grant of regular bail in case FIR No. 45/2012 under Sections 302/201/34 IPC registered at police station Jafar Pur Kalan. Status report filed by the State reveals that initially Inder Pal @ Mandhu and Inder @ Sachinder @ Mona were suspects in the murder of Lalit @ Gandhi. Inder Pal @ Mandhu and Inder @ Sachinder @ Mona confessed that on the night intervening 22-23/04/2012 they along with Amit had killed Lalit with firearm and had dumped his body in the Ganda Nala, near Village Kanganheri, Delhi. At their instance and pointing out, a male dead body was fished out of the Ganda Nala and was identified by the complainant-Raj Kumar Drall. On 01.05.2012, the vehicle i.e. Maruti Esteem Car No. HR 26 BA 2426 used to dump the body and 3 empty cartridges and one bullet lead were recovered from Bani of village Surhera at the instance and pointing out of accused Inder Pal and Sachinder. Amit surrendered in Dwarka Court on 24.05.2012. Status report does not reveal if any incriminating article was recovered from his possession or at his instance after his arrest. It merely states that application has been moved seeking DNA profiling of the blood sample of the deceased to be compared with the blood--samples lifted from the seat covers of

the seized car at the, instance of the accused person. Status report does not reveal, prima facie, any direct or circumstantial evidence except the disclosure statement of co-accused persons against the present petitioner. Statements of eye witnesses Prakash and Vijender Singh Dabas have been recorded. However, both of them have turned hostile in the court and did not utter a word to implicate the present petitioner. Amit is in custody since 20.05.2012. Material witnesses have already been examined.

2. Considering the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the Trial Court. The bail application stands disposed of.