

Sushil Yadav vs State Nct Of Delhi on 4 April, 2025

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision:

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BAIL APPLN. 4192/2024

SUSHIL YADAV

Through: Mr. Jitendra Sethi, Senior
with Mr. Hemant Gulati,

versus

STATE NCT OF DELHI

Through: Mr. Manjeet Arya, APP for
with Inspector Daljeet,
(North)

CORAM:

JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Heard.

2. The accused/applicant, suffering incarceration since 09.01.2020 seeks to be released on bail in case FIR No. 344/2019 of Police Station Rohini North for offence under sections 302/201/120B/34 IPC read with Section 27 of Arms Act.

3. Broadly speaking, the case set up by prosecution is that the deceased Jitender had some loan dispute with Raj Kumar and in that connection, Raj Kumar and his associates called the deceased to the office of Raj Kumar on BAIL APPLN. 4192/2024 Page 1 of 4 pages GIRISH Digitally signed by GIRISH KATHPALIA DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH COURT, 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6fb4 835d435f97626cacca, postalCode=110003, st=DELHI, KATHPALIA serialNumber=D3E86796451EC45C07B5D15570996B40F80CB D2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA Date: 2025.04.04 13:16:56 -07'00' the fateful night. According to prosecution, at that time in the office of Raj Kumar, all accused persons namely Naresh, Vijay, Raj Kumar and Sushil (accused/applicant) were present. It is specific case of prosecution that it is Raj Kumar who fired a shot from his pistol, thereby killing Jitender on the spot.

4. Learned Senior Counsel for accused/applicant has taken me through complete record including the status report filed by the prosecution. Learned Senior Counsel has also shown me on his laptop the CCTV footage of one of the cameras installed outside the office of Raj Kumar. Genuineness of that CCTV footage is not disputed. With the help of CCTV footage, learned Senior Counsel argues that the status report alleging that it is the accused/applicant who lastly left the office after locking the same is false. It is argued by learned Senior Counsel that there is no material at all to show as to what transpired inside the office of Raj Kumar at the fateful moment. Further, learned Senior

Counsel argues that even according to prosecution, it is Raj Kumar who had motive, because it is he who had loan dispute with the deceased. Lastly, it is also submitted by learned Senior Counsel for accused/applicant that co-accused Naresh and Vijay, who also were allegedly present in the said office at the time of the alleged killing, have already been granted bail. Therefore, according to learned Senior Counsel this is a fit case to release the accused/applicant on bail.

5. Learned APP accompanied with IO/Inspector Daljeet has opposed the BAIL APPLN. 4192/2024 Page 2 of 4 pages GIRISH DN: c=IN, o=HIGH COURT OF DELHI, ou=DELHI HIGH 2.5.4.20=8401dd889b27a77b2f65ffffe4afec45569af3962c6 fb4835d435f97626cacca, p o s t a l C o d e = 1 1 0 0 0 3 , s t = D E L H I , K A T H P A L I A s e r i a l N u m b e r = D 3 E 8 6 7 9 6 4 5 1 E C 4 5 C 0 7 B 5 D 1 5 5 7 0 9 9 6 B 4 0 F 8 oCBD2EEE60402C487965FF801E26FA, cn=GIRISH KATHPALIA bail application, arguing that in view of the serious nature of the offence, it would not be appropriate to release the accused/applicant on bail. It is also contended by learned prosecutor that it is not possible for any investigator to find out as to what had happened within the four walls of that office on the fateful night.

6. I find substance in the submission of learned prosecutor that it is extremely difficult for any investigator to find out what happened within four walls of that office. But for that, liberty of the accused/applicant cannot be curtailed further.

7. As mentioned above, admittedly the pistol was fired by Raj Kumar only. Also admittedly, there is no material at all to show any exhortation given by any of the remaining accused persons. Considering it from the angle of the alleged conspiracy also, there is no material in that regard.

8. Besides, the accused/applicant had no motive to kill the deceased.

9. Considering the above circumstances, I find no reason to further deprive the accused/applicant liberty. Therefore, the application is allowed and it is directed that the accused/applicant 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.

10. Of course, none of the above observations shall have a bearing on the final outcome of trial.

BAIL APPLN. 4192/2024

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11. Copy of this order be immediately transmitted to the Superintendent of the concerned jail for informing the accused/applicant.

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