

**CNR No.DLCT01-016578-2019
SC No.29/2021
FIR No.113/2019
PS Sadar Bazar
U/s 307/324/34 IPC & 25 Arms Act
State Vs. Vineet Kumar & Anr.**

07/06/2023

File taken up today on the bail application u/s. 439 Cr.P.C. of the accused Vineet Kumar for grant of regular bail.

Present: Sh. Parvesh Ranga, Ld. Addl. P.P. for the State.
None for the accused.

This court is looking after the work of Bail Duty Roster. Reader is on leave today.

By way of present order, this Court shall disposed of the bail application u/s. 439 Cr.P.C. of the accused Vineet Kumar for grant of regular bail.

Arguments have already been heard on the aforesaid regular bail application of the accused Vineet Kumar. Perused the material available on record.

During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Vineet Kumar that regular bail applications of the accused Vineet Kumar were dismissed by Ld. Predecessor of this Court and by this Court and the present bail application is the fourth regular bail application of the accused Vineet Kumar after filing of the charge-sheet and no other regular bail application of the accused Vineet Kumar is pending or decided by the Hon'ble Superior Courts. It was further submitted by counsel for the accused that accused was on interim bail as per HPC guidelines in the present case and in view of the directions passed by the Hon'ble Supreme Court of India, accused Vineet Kumar has already surrendered before the concerned Jail Authority on 07/04/2023. It was further submitted that during the aforesaid interim bail period, the accused has not misused the liberty granted by way of

interim bail. It was further submitted that after the dismissal of last regular bail application of the accused, the change of facts and circumstances of the case are that regular bail has already been granted to co-accused Vineet @ Mohit @ Nanga and allegations against the accused Vineet Kumar are almost similar as that of the co-accused Vineet @ Mohit @ Nanga and regular bail be granted to the accused Vineet Kumar on the ground of parity. It was further submitted that the accused has been falsely implicated in the present case and there is no incriminating evidence against the accused and investigation in the present case has already been completed and the accused is no more required for the purpose of further investigation as charge-sheet has already been filed in the present case. It was further submitted that charge has already been framed and the present matter is at the stage of prosecution evidence and the trial will take considerable time. It was further submitted that whenever interim bail was granted to the accused, he never misused the same. It was further submitted that accused is in J/C since 28/06/2019 (except the period of interim bail as per H.P.C. guidelines). It was further submitted that regular bail be granted to the accused and the accused shall abide by all terms and conditions imposed by this Court.

During the course of arguments, it was submitted by Addl. PP for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that in the present case, complainant/public/material witnesses are yet to be examined and if the bail is granted to the accused, he can influence, threaten or pressurize the witnesses. It was further submitted that there is sufficient incriminating material against the accused and present regular bail application of the accused Vineet Kumar be dismissed.

In the present case, charge for the offence u/s. 307/324/34 IPC was framed against accused Vineet Kumar and Vineet

@ Mohit @ Nanga and charge for the offence u/s. 25 Arms Act was also framed against accused Vineet @ Mohit @ Nanga.

It is the case of prosecution that on 20/06/2019 at about 7:30 AM in front of Shop No.2760, Qutab Road, Sadar Bazar, Delhi, accused Vineet Kumar and Vineet @ Mohit @ Nanga alongwith Manish Bachcha (since absconding) in furtherance of their common intention inflicted stab injury with knife in the chest of Prateek Gupta and abdomen of Aditya Gupta and also caused stab injury with knife in the arms of complainant Monu. It is also the case of the prosecution that on 26/07/2019 accused Vineet @ Mohit @ Nanga got recovered one button actuated knife from the bushes near his house at D-86, Kabir Basti, Subzi Mandi, Delhi.

By way of present bail application, the accused Vineet Kumar is claiming regular bail on the ground of parity.

It is pertinent to mention here that last regular bail application of the accused Vineet Kumar was dismissed by this Court vide order dated 25/03/2021. It is pertinent to mention here that vide order dated 22/07/2021 passed by Hon'ble High Court of Delhi, regular bail was granted to co-accused Vineet @ Mohit @ Nanga. Allegations against the accused Vineet Kumar are stated to be almost similar as that of the co-accused Vineet @ Mohit @ Nanga.

Accused is stated to be in J/C since 28/06/2019. No useful purpose will be served by keeping the accused behind the bars. Considering the facts, circumstances, submissions made and on the ground of parity and without expressing any opinion on the merits and demerits of the present case, present regular bail application of the accused Vineet Kumar is allowed and accused Vineet Kumar is admitted to court bail on furnishing personal bond and surety bond in the sum of Rs. 30,000/- with one surety of like amount to the satisfaction of the Court subject to the condition that :-

- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the SHO/IO and the Court;*
- vi) Accused shall also provide his mobile number to the Court and SHO/IO.*
- vii) Accused shall keep his such mobile 'Switch On' at all the time;*
- viii) Accused shall regularly appear before the Court on each and every date of hearing;*
- ix) Accused shall not indulge in any kind of criminal activities;*

Nothing stated herein shall tantamount to be an expression of opinion on the merits of the present case and the observations made in the present order are only for the purpose of deciding the present bail application.

Copy of this order be sent to the concerned Jail Superintendent for information and necessary action. Copy of this order be also sent to the accused through concerned Jail Superintendent. Copy of this order be given dasti to counsel for the accused, if prayed for. Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
07/06/2023(A)