

SC No. 3869/2019

State Vs. Deepanshu @ Himanshu @ Shambhu etc.

13.01.2020

File taken up today on two applications bearing I.A. No. 02/2020 and 03/2020, moved on behalf of the applicants/accused, namely, Sudhir Dubey and Deepanshu @ Himanshu @ Shambhu respectively for grant of regular bails to them under Section 439 Cr.P.C.

Pr. Sh. Yadvender Singh, Ld. Addl. PP, for the State.

Sh. Manjeet Singh, Advocate, for applicants/accused persons.

Arguments on the applications heard and record is minutely perused.

It is submitted by Ld. Counsel for the applicants/accused that they are languishing in JC since 10.09.2019, the date when they were arrested in the case. He further submits that nothing was recovered from the possession of the applicant/accused in the present case. Moreover, the material prosecution witnesses, namely, PW1 Gurcharan Singh and PW2 Smt. Surjeet Kaur have not supported the prosecution case when they were examined in the case on 10.01.2020. Ld. Counsel further submits that co-accused Shanki @ Naveen was granted bail in the case on the very date when aforesaid PWs were examined in the case. Consequently, Ld. Counsel for the applicants/accused claims bail.

On the other hand, Ld. Addl. PP for the State has vehemently opposed the bail applications on the ground that other prosecution witnesses are yet to be examined in the case.

Considering the submissions made by Ld. Counsel for the applicants/accused and having considered the fact that applicants/accused persons are lodged in jail since 10.09.2019 and the fact that other co-accused Shanki @ Naveen has already been granted bail in the case, present applicants/accused persons are entitled to be released on bail on the ground of parity. Hence, both the applicants/accused persons admitted to bail on their furnishing bail bonds in the sum of Rs.30,000/- each with one surety each of the like amount. Their bail applications bearing I.A. No. 02/2020 and 03/2020 are accordingly disposed of.

Be put up on **06.02.2020**, the date already fixed in the case for the purpose fixed.

(Deepak Jagotra)
District & Sessions Judge, East
KKD Courts, Delhi/13.01.2020