

IA No. 01/2025
SC No. 124/2025
State Vs. Prem Pal
FIR No. 136/2024
PS: Seelampur
U/s: 307/174-A IPC &
Sec. 27 of Arms Act

15.09.2025

**ORDER ON THE APPLICATION FOR GRANT OF BAIL
FILED ON BEHALF OF THE APPLICANT/ACCUSED PREM
PAL**

1. This order of mine shall dispose of an application for bail filed on behalf of the applicant/accused Prem Pal.
2. I have already heard the counsel for the applicant /accused and the Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant/accused Prem Pal submitted that this applicant/accused was arrested in the present case on dated 08.02.2025 and since then, he is in judicial custody and the investigation is complete and chargesheet has already been filed and submitted that the present accused has been falsely implicated in the present case, due to matrimonial dispute between the applicant/accused and his wife, being daughter of injured Dileram and also submitted that the present accused was identified by the son and daughter (who is wife of the applicant/accused) of injured, after seeing the CCTV footage during investigation.
4. Ld. Counsel for the applicant/accused further submitted that during investigation, the NBW of the present

accused was taken and proceeding u/s. 82 CrPC was also got conducted and thereafter, the present accused was arrested in the present case and Sec. 174-A IPC was also added in the present chargesheet and also submitted that apart from the CCTV footage, statement of Bunty and Rinki based on CCTV footage, no other effective evidence has been found for corroborating the evidence related to the alleged offence, however, there is no CCTV footage of the spot of the alleged incident on record. Even, the applicant/accused was not present at the spot at the time of alleged incident.

5. Ld. Counsel for the applicant/accused further submitted that in the present case, FSL result regarding weapon allegedly used in the alleged crime is awaited and also submitted that so far as the proceeding u/s. 82 CrPC is concerned, after the present incident, the family member and associates of the injured person had tried to build pressure upon the family of the applicant/accused for extorting money from him related to the matrimonial dispute between both the parties and due to this pressure, fear and apprehension of illegal implication, he could not surrender before the Hon'ble Court.

6. Ld. Counsel for the applicant/accused further submitted that the applicant/accused is having no criminal background at all and submitted that it will take long time in concluding the trial and no fruitful purpose would be served by keeping the applicant/accused in judicial custody any longer and prayed for grant of bail to the applicant/accused, as he undertakes

that he will not misuse the liberty of bail and he is ready to abide by all the terms and conditions, as imposed upon him by the Hon'ble court.

7. On the other hand, Sh. F. M. Ansari, Ld. Additional Public Prosecutor for the State vehemently opposed the present application for bail and submitted that in the case in hand, the the applicant/accused has committed the offences u/s.307/174-A IPC & Sec. 27 of Arms Act and charges are yet to be framed against the accused and also submitted that the offences committed by the present accused are serious in nature and possibility of hampering with the witnesses and tampering with the evidence also cannot be ruled out, if the applicant/accused is released on bail at this stage and prayed for dismissal of the present application under consideration.

8. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld. Additional Public Prosecutor for State and perused the record.

9. The perusal of the record reveals that in the case in hand, the charges against the applicant/accused are yet to be framed, as, the FSL result regarding the weapon of offence is yet to be received.

10. Admittedly, there is a matrimonial dispute between the applicant/accused and wife of the applicant/accused, who is daughter of the injured. Bare perusal of the record also shows that during investigation, the applicant/accused was declared as Proclaimed Offender, however, the applicant/accused has already

spent considerable time in custody. Moreover, bare perusal of the statements of the injured as well as of the witness, who was present alongwith the injured shows that none of them had seen the actual assailant. Therefore, identity of the applicant/accused is also disputed, which is a matter of trial.

11. The Hon'ble High Court of Delhi in case, **Nadeem Chaudhary Vs. State of NCT of Delhi** (Bail Application No. 39/2022) has observed that:

“The object of Jail is to secure the appearance of the accused persons during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time. The presence of the accused can be secured at the time of trial by putting appropriate conditions”.

12. The Hon'ble High Court of Delhi relying upon the case, **Deepak Yadav V. State of U.P.**, (2022) 8 SCC 559 has observed that:

“Moreover, it is settled law that this Court at the stage of granting bail to the applicant is only to look into the (i) the nature and gravity of the offences/charges coupled with the severity of punishment in case of conviction; and (ii) if there is any chances of the accused absconding once out of bail; and (iii) if there is a reasonable apprehension of the accused influencing the witnesses or tampering the records when released on bail; and (iv) the past conduct and previous record of the accused as he should neither be a threat to the society of which he is going to be a part of once again nor there should be any change of his repeating the same or indulging in any other offence; and (v) whether there is

any prima facie or reasonable ground to believe that the accused had committed the offence; and (vi) behaviour, means, position and standing of the accused in the society”.

13. The Hon’ble High Court of Delhi in another case, **Raghav Thakur Vs. State** (Bail Application No. 1397/2023) has also observed that:

“The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. Apart from the seriousness of the offence, other factors also have to be borne in mind while considering the bail application. Delay in commencement and/or conclusion of trial is also to be taken into account and the accused cannot be kept in custody for indefinite period, if the trial is likely to take long time”.

14. So far as the apprehension regarding intimidation to the witnesses is concerned, appropriate conditions can always be imposed upon applicant/accused in order to allay the apprehension raised by prosecution.

15. Considering all the facts and circumstances of the present case and the fact that the present accused is in judicial custody since 08.02.2025 and FSL result has not yet received, the prosecution has cited total 13 witnesses and trial is yet to be started and also the fact that it may take some time in filing of the FSL result, framing of charges against the accused and concluding the trial, this applicant/accused Prem Pal is ordered to be released on bail on furnishing personal bond in the sum of Rs.30,000/- with one surety of like amount, subject to the

following conditions:

- (1). He will not come in contact with any of the witnesses of the prosecution.
- (2). He will not tamper with the evidence of the prosecution.
- (3). He will not indulge in any criminal activity of similar nature in future.
- (4). He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or the IO.

16. In case, if he violates any of the above conditions, the prosecution will be at liberty to file application for cancellation of bail of this accused.

17. In the above said terms, the application for grant of bail filed by applicant/accused Prem Pal stands **allowed**.

18. Dasti copies of this order be provided to the parties.

19. Attested copy of this order be also sent to the Superintendent of Central Jail concerned for supplying the same to the applicant/accused.

(PUNEET PAHWA)
Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/15.09.2025