

SC 256/2019
STATE Vs. HARSH @ DEEPAK @ JONI
FIR No. 485 /2018
PS Bawana
U/s. 307/120B/174A/34 IPC
& U/s. 25/27 Arms Act

08.12.2023

File taken up today on an application U/s. 439 Cr. P. C for grant of bail moved on behalf of applicant/accused **Deepak @ Harsh @ Jony**.

Present: Sh. A. B. Asthana, Ld. Addl. PP for the State.
Sh. Akshay, Ld. counsel for applicant/accused.
ASI Ram Kishan on behalf of IO.

Reply to the above said application has been filed by ASI Ram Kishan. Same is taken on record.

Ld. counsel for applicant/accused submitted that applicant/accused is in JC since 31.01.2019 and he has been falsely implicated in the present case. It is further submitted that nothing incriminating has been recovered from the applicant/accused and nor anything was recovered at his instance. It is further submitted that present case is at the stage of evidence and star witnesses i.e. PW 1 & PW 2 have not supported the case of the prosecution. It is further submitted that in the present case co-accused has already been granted bail by this Hon'ble Court. It is further submitted that applicant/accused is no more required for further investigation and no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that the above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State opposed

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the bail application and submitted that allegations against the applicant/accused are serious in nature. It is further submitted that applicant/accused is involved in many other cases and if he is granted bail. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that charges for the offences punishable U/s. 174A IPC, U/s. 307/34 IPC, U/s. 120B read with Section 307 IPC & U/s. 5 Arms Act & U/s. 27 Arms Act have been framed against applicant/accused and his co-accused vide order dated 24.08.2022 and the matter is at the stage of PE. Applicant/accused is in JC since 31.01.2019 i.e. for a period of more than 4 ½ years. Perusal of the file shows that only two prosecution witnesses have been partly examined in chief and their further examination in chief is deferred at the request of Ld. Additional PP for State for want of assistance of IO and they have not supported the case of the prosecution. Further, his co-accused person has already been granted bail, therefore, on the ground of parity with co-accused person, it is ordered that **applicant/accused Deepak @ Harsh @ Jony be**

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bond in the sum of Rs. 20,000/- with one surety in the like
amount.

- (i) Applicant/accused is directed not to threaten prosecution witnesses in any manner or tamper with evidence or indulge in any other criminal activity in future;
- (ii) The applicant shall share his phone live location as and when required by the IO;
- (iii) The applicant shall appear before the court on each and every date of hearing;

In case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the said conditions, the bail granted to him shall be liable to be cancelled on an application of investigating agency in this regard.

The bail application is disposed of accordingly. Nothing stated herein shall tantamount to any expression of opinion on the merits of the case. **Application stands disposed of. Bail application file be tagged with the main file.**

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
08.12.2023