

SC No. 351/2023  
STATE Vs. Pankaj & Ors.  
FIR No. 200/23  
PS Shahbad Dairy  
U/s: 302/363/201/120B/34 IPC  
& U/s. 25/27 Arms Act

03.09.2025

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

Present: Sh. Sanjay Jindal, Ld. Addl PP for State.  
Sh. Kuldeep Sharma, Sh. Pawan Kumar, Sh. Vivek and Sh. Aman Kumar, Ld. Counsels for applicant/accused.  
IO/SI Ghanshyam in person.

Reply to the above said application has already been received from IO.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 25.01.2023 and he has been falsely implicated in the present case. It is further submitted that applicant/accused has not committed any offence and neither name of the applicant/accused nor any role is attributed to him in the alleged offence in the present FIR. It is further submitted that present case is at the stage of evidence and trial will take a long time. It is further submitted that in the present case co-accused persons have already been granted bail. It is further submitted that no-fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that above said application may kindly be allowed.

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On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. 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 vide order dated 28.08.2024 charges for the offences punishable U/s. 302/201/120B/34 IPC have been framed against the applicant/accused **Pankaj** and his co-accused persons with the allegation that applicant/accused **Pankaj** and his co-accused persons hatched a criminal conspiracy to commit murder of Manjeet and pursuant thereto as well as, in furtherance of their common intention, they all committed murder of deceased Manjeet by firing a gun shot on his head and thrown the dead body in GANDA NALA at E-Block, DUSIB.

The case of prosecution is based on circumstantial evidence as Ms. Ram Kali (mother of deceased) had stated in her statement U/s. 161 Cr. P. C. that applicant/accused **Pankaj**,

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Vikram, Harshit, Ashish, Cheta, Vipin and Sunny had come to her house on 08.01.2023 at about 6:00 P.M. (evening) and they had taken her son Manjeet (deceased) alongwith themselves. However, in her deposition made before the Court PW-6 Ms. Ram Kali did not name applicant/accused **Pankaj** and she has testified that co-accused Vipin had come to her house and taken him from there. Thus, nothing incriminating applicant/accused **Pankaj** has come in the testimony of PW-6 Ms. Ram Kali, who is the material witness on whom the last seen theory of prosecution is based. Applicant/accused is in JC since 25.01.2023. No doubt trial shall take time. Therefore, it is ordered that applicant/accused **Pankaj** be released on bail on his furnishing personal bond in the sum of Rs. 30,000/- with two sureties in the like amount subject to the satisfaction of following conditions:-

- (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) Applicant/accused shall not commit similar offences in future. 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

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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 case file. Copy of the order be given dasti.

(Sushil Kumar)  
Addl. Sessions Judge-04  
North District Rohini Courts Delhi  
03.09.2025