

22.12.2023

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Ms. Asha Jyoti Arya, Ld. Legal Aid counsel for the
applicant.

**This application U/s.439 Cr.P.C. has been moved
seeking release of applicant Lalit on regular bail.**

During course of arguments, ld. Counsel has submitted that no similar application is pending before any other court.

As per contents of FIR, on 14.12.2022 , accused Lalit came to PS Mangol Puri and stated that he had committed murder of his brother Jaichand and could get recover the dead body. During investigation, applicant Lalit got recovered the dead body of deceased lying in a gali near his house which was wrapped in a bed sheet. Later, weapon of offence was also recovered. During further investigation, CCTV footage were collected and applicant along with his father (co accused) were seen carrying the body on a bicycle. Applicant was arrested on 15.12.2022 and is in judicial custody since then.

It is submitted by Ld. counsel for the applicant that applicant has been falsely implicated in the present case. He has no previous involvement and has clean and clear antecedents. That investigation is completed and matter is at the stage of PE and trial would take long time. Further submitted that applicant is ready to join investigation in the present case.

Ld. Counsel has also submitted that one of the prosecution witness namely Akash has already been examined, but he has not supported the case of the prosecution. Thus, prayed that there is no purpose of keeping the applicant awaiting the examination of remaining witnesses.

Ld. Counsel has also relied upon the judgment passed by the Hon'ble Delhi High Court in case titled as ***Kalloo Passi Vs. State.***

Ld. Counsel has also placed reliance upon judgment passed by the Hon'ble Supreme Court in ***Sanjay Chandra Vs. CBI***, wherein the Hon'ble Apex Court of India has held that primary purpose of bail in criminal case are to relieve the accused of imprisonment and to relieve the State of the burden of keeping him pending trial and at the same time, to keep the accused constructively in the custody of the Court whether before or after the conviction, to assure he will submit to the jurisdiction of the Court and be in attendance thereon, whenever his presence is required.

On other hand, bail application is opposed by the Ld. Addl. PP for the State. It is submitted by Ld. Addl. PP that applicant had committed murder of his own brother and concealed the body of deceased with the help of his father. That the allegations against the applicant are serious in nature. It is prayed that application be dismissed.

Submissions heard. Record perused.

The applicant had committed murder of his own brother and not only this, after commission of offence, he deliberately concealed the dead body in order to remove the evidence. Till date, only one witness has been examined, but he has not supported the case. Most of remaining witnesses are relatives of applicant and he can influence them, if released. It is also not the case that there is no evidence against the applicant. In addition to the oral testimonies, prosecution has also relied upon a CCTV footage, wherein applicant and his father are seen carrying the body of the deceased for disposal. Considering the nature of allegations and gravity of offence, no ground is made out to release the applicant on bail.

The application is dismissed.

The application stands disposed off.

It is clarified that nothing observed hereinabove shall have any bearing on the merits of the case.

(BABRU BHAN)
ASJ-03 (NORTH-WEST)
ROHINI COURTS
DELHI/22.12.2023