

**SC No. 641/17**  
**FIR No. 820/17**  
**U/s 302/34/120-B IPC & 27/54/59 of Arms Act**  
**PS : Mangolpuri**  
**State Vs. Faishal**

07.02.2018

**ORDER ON THE APPLICATION FOR GRANT OF BAIL FILED BY THE  
APPLICANT/ACCUSED FAISHAL.**

1. This order of mine will dispose off the application for grant of bail filed by the applicant/accused Faishal.
2. I have heard the Ld. Counsel for the parties.
3. The Ld. Counsel for the accused has submitted that there is nothing on record except the Call Detail Record between this applicant / accused and other accused to show that this accused was involved in the conspiracy to commit the murder of the deceased and only on the basis of Call Detail Record, this court cannot infer that this accused was involved in the conspiracy to commit the murder of the deceased. The Ld. Counsel for the accused has further submitted that since the prosecution has failed to bring on record any cogent evidence to show that there was any agreement between this applicant / accused and the other co-accused regarding the committing the murder of deceased and prayed for grant of bail filed by the applicant/accused.
4. On the other hand, Ld. APP for the State has vehemently opposed this application and submitted that the chargesheet has been filed U/S 302 r/w Section 120-B/34 of IPC & Section 27/54/59 of Arms Act and further submitted that prima-facie case, U/S 109 r/w Section 302 of IPC is made out as from the statement of Sh. Virpal, who is maternal uncle of deceased recorded on dated 10.06.2017 and his supplementary statement recorded on dated 16.06.2017 (wherein, this accused is named by Sh. Virpal). It is clear that this accused had told to the other accused about the location of the deceased for committing his murder and on receiving of the information about the deceased from this accused, the other accused had committed murder of the deceased

and thus, this accused had facilitated to the other accused to commit the murder of the deceased and main accused who have committed the murder are still at large and in case, this accused is released on bail, he may tamper with the prosecution evidence and since this accused is involved in the offence of abetment to commit murder of the deceased, so, he does not deserve the concession of bail and he prayed for dismissal of the application in hand.

5. I have given thoughtful considerations to the submissions made by the Ld. Counsels for the parties and perused the record.

6. No doubt that charge-sheet has been filed against this accused U/S 302/34 & 120-B of IPC & Section 27/54/59 of Arms Act. Since, this accused is alleged to have told to the other accused about the location of the deceased and thus, he is alleged to have facilitated to the other accused to commit murder of the deceased, as this accused is alleged to have telephonically informed to the other accused regarding the location of the deceased at the time of alleged commission of the murder, as Sh. Virpal, who is maternal uncle of deceased, has stated in his statement recorded U/S 161 of Cr.PC on dated 10.06.2017 that he had told to the deceased that this accused was following the deceased and soon thereafter, bullet injury was caused to the deceased and supplementary statement of Sh. Virpal recorded on 16.06.2017 reveals that this accused is also named by the said witness and since the CDRs are also filed alongwith the chargesheet. Since this accused is alleged to have facilitated / abetted to other accused in committing the murder of deceased., so, this court is of the considered opinion that in case, this accused is released on bail, he may tamper with the prosecution evidence and since this accused is alleged to have facilitated / abetted to commit the murder of the deceased, so, this application for grant of bail is hereby **dismissed**, being devoid of merits.

**(Pawan Kumar Matto)**  
**Special Judge (NDPS), ASJ, N-W**  
**Rohini Courts, Delhi.07.02.2018**