

IN THE COURT OF MS. VRINDA KUMARI,
ASJ-02, SOUTH, SAKET COURTS, NEW DELHI

State Vs Gaurav & Ors.

FIR No. 30/2019 (Applicant: Shubham @ Shivam)

PS Sangam Vihar

U/s 302/34 IPC & 25/27/54/59 Arms Act

19.05.2023

Application u/s 439 Cr.P.C. for grant of regular bail on behalf of applicant-accused Shubham @ Shivam.

Present: Sh. Santosh Kumar, Ld. Addl. PP for the State.
Sh. Vikas Jain and Sh. Manjit Saini, Ld. Counsels
for the applicant-accused.

I have heard detailed arguments on the bail application and have perused the records carefully including the report of the IO.

Contention of Ld. Counsel for the applicant-accused is that he was on interim bail under the HPC guidelines during the Covid-19 pandemic. He surrendered on time and never misused bail. It is further submitted that PW2 father of the deceased was not an eye-witness and he has materially improved his testimony. It is submitted that eye-witness Suraj is not traceable.

Ld. Additional PP for State has opposed the bail application on the ground of gravity of offence. It is submitted that grant of interim bail under the HPC guidelines in the extraordinary circumstances of Covid-19 pandemic is not a mitigating factor.

I have considered the rival contentions.

The present case involves murder of deceased Abhishek Giri who suffered seven injuries out of which four were stab injuries. Charge-sheet discloses that the applicant-accused along with co-accused persons beat up the deceased while the deceased was stabbed multiple times.

A material public witness, namely, Suraj is yet to be examined. Further, such a savage assault leading to murder of deceased does not call for grant of concession of regular bail.

The regular bail application of applicant-accused Shubham @ Shivam is, accordingly, dismissed.

Copy of this Order be provided *dasti* to Ld. Counsel for the applicant-accused.

Copy of this Order be also dispatched to the Jail Superintendent concerned.

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/19.05.2023