

Bail Application of applicant Tushar @ Aniket
State Vs. Sumit & Anr.
FIR No. 66/2020
PS : Janak Puri
u/s : 302/34 IPC & 25/27/54/59 Arms Act

15.04.2023

Present: Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor for the State.
Shri Vikas Singh, counsel for the applicant/accused.
Ms. Harjeet Kaur, mother of the deceased.
IO Inspector Satyender Dhull in person.

Arguments on bail heard.

During the course of arguments, counsel for the applicant/accused submitted that accused has been falsely implicated in the present case and he is in judicial custody since 06.02.2020. It is the case of prosecution that on the day of incident, both the accused persons were following the deceased & Mohini from District Centre, Janak Puri till the house of Mohini and thereafter, deceased was killed. It is further submitted that evidence of Mohini was recorded by this Court and she admitted that she did not see the accused Tushar at District Centre, Janak Puri. It means that present accused was not following the deceased and Mohini on the day of incident. It is further submitted that CDR of the present accused and witness Mohini shows that they were having their different location, particularly from 04:30 – 06:30 pm. It is further submitted that incident took place on 04.02.2020 and crime team inspected the place of occurrence on 05.02.2020 but no cartridges were found by them whereas the police team recovered two cartridges from the place of occurrence on 07.02.2020 which shows that how the present accused has been falsely implicated by planting the said cartridges. It is further submitted that recovery of weapons was planted upon the present accused in order to connect the present accused with crime

as it is not possible that two pistols could be recovered from one place i.e. H. No. D27-28, Shyam Vihar, Phase-1, First Floor, Delhi at the instance of both the accused persons. Moreover, the present accused does not have any concern with the said place of recovery. The residential address of the applicant/accused is of Kotla Mubarakpur.

It is further submitted that material witness i.e. Mohini has been examined by this court and she has not supported the prosecution case. Therefore, now no purpose would be served to detain the accused behind the bars. Therefore, present accused be released on bail.

Per-contra, Learned Additional PP and IO have opposed the bail application stating that accused Sumit and present accused Tushar @ Aniket used to follow Mohini & Gagandeep (deceased). It is further submitted that on the day of incident, deceased dropped the Mohini at her house and left the said place. Both accused were following the deceased on their motorcycle and they fired shot upon said deceased, as a result of which, he died. It is further submitted that both pistols were recovered at the instance of both the accused persons. It is further submitted that fired bullet has also matched with the firearm recovered from both accused persons. It is further submitted that even accused Sumit used the mobile phone of present accused for threatening to Mohini. It is further submitted that other material witness i.e. Ms. Harjeet Kaur, mother of the deceased and Ms. Shalini, sister of Ms. Mohini are yet to be examined, therefore, accused should not be released on bail.

Heard.

After having gone through the submissions advanced by counsels of both the parties and perusal of the record I find that there is serious allegations against the present accused for the offence punishable U/s 302 IPC. Only one material witness has been examined in the present case and other material witnesses are yet to be

examined. Therefore, at this stage, I am not inclined to grant bail to applicant Tushar @ Aniket. Hence, the bail application is dismissed. Application stands disposed of accordingly.

Copy of the order be given *dasti* to counsel for applicant if prayed for.

(R. L. Meena)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
15.04.2023 (hg)