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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2849/2020
MOHD REHAN @ ARSHAD PRADHAN Petitioner
Through Mr. Dinesh Tiwari, Adv.
versus
STATE NCT OF DELHI Respondent
Through Mr. Manoj Chaudhary, SPP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **12.10.2020**

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail in case FIR No.117/2020 dated 04.03.2020, for the offences punishable under Sections 147/148/149/436/427/120-B IPC, registered at PS Dayalpur, Delhi.
2. Learned SPP has opposed the present petition by stating that during investigation statement of PW Khaleel was recorded under Section 161 Cr.P.C. who had seen the incident and also identified the petitioner along with other co-accused persons. The said witness was able to identify the petitioner as he knew him previously.
3. Moreover, statement of PWs Irfan, Salim, Surender Singh and Pradeep Kumar Verma were also recorded under Section 161 Cr.P.C. who had also seen the incident and had identified the petitioner along with other co-accused persons. They also knew the petitioner previously and on recording of their statements, the petitioner was formally arrested in Mandoli Jail as he was already in judicial custody in case FIR No.101/2020.
4. Learned SPP further submits that the petitioner is involved in four

other riot cases, therefore, the present petition deserves to be dismissed.

5. It is not in dispute that in the present case there is no CCTV footage, video clip or photo to corroborate prosecution's claim. Statement of Constable Pawan and Constable Vikram recorded being eye witnesses whereby, they identified the petitioner, however, they did not make any DD entry as the alleged incident is of 25.02.2020 whereas the present FIR was registered on 04.03.2020. Even the witness Irfan, Salim, Surender Singh and Pradeep Kumar Verma who claimed to know the petitioner, they also did not make any complaint to the police on 25.02.2020. Even the Constable Pawan and Constable Vikram, being the responsible officials of the police, did not make any DD entry or PCR call on the day of incident regarding the same.

6. In view of above, I am of the opinion that the petitioner deserves bail as he is in judicial custody since 20.04.2020. Charge-sheet has already been filed. Charges are yet to be framed. Trial of the case shall take substantial time.

7. Accordingly, he shall be released on bail, if not required in any other case, on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Judge.

8. The petition is, accordingly, allowed and disposed of.

9. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for necessary compliance.

10. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

OCTOBER 12, 2020/rk