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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1348/2015

VIKAS

..... Petitioner

Through: Mr.Vikas Sharma and Ms.Jyoti
Sharma, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.M.P.Singh, APP.
Mr.Sumit Chaudhary, Advocate for
the complainant.
SI Ravinder, P.S.Alipur.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.08.2015**

The petitioner is alleged to have fired at the father of Priyanka which hit him in his elbow causing grievous injuries.

A case vide FIR No.22/13 (P.S.Alipur) was instituted for offence under Section 307 of the Indian Penal Code and 25 and 27 of the Arms Act.

The petitioner is said to have been stalking Priyanka, which was opposed by the father of Priyanka.

It has been submitted on behalf of the petitioner that after submission of the chargesheet, the petitioner was put on trial.

At the trial all the public witnesses including the father (PW.5) have been examined by now. Only the doctor and the IO are left to be examined.

The petitioner is said to be in custody since 14.1.2013.

The learned counsel appearing for the complainant and Mr.M.P.Singh, APP vehemently opposed the prayer of bail of the petitioner. Submission on their behalf is that the petitioner, even today is doling out threats to the witnesses, especially the father of Priyanka. A case in this regard vide FIR No.454/2015 was also instituted under Section 195A of the Indian Penal Code.

Learned counsel for the petitioner submits that on verification of the call said to have been made to the father of Priyanka it was found that it was made from a telephone which stands in the name of one Sunil Kumar who was untraceable and the location of the mobile phone was near Rohini Jail. Incidentally, it is argued, the petitioner is not lodged in Rohini Jail but in Central Jail, Tihar.

He further submits that Priyanka is already married and is leading a happy life at her matrimonial home. The petitioner has got nothing to do with either Priyanka or her parents.

Considering the fact that the petitioner has remained in custody since 14.1.2013 and in the trial, all the public witnesses have been examined, this Court is inclined to release the petitioner on bail.

Let the petitioner be released on bail on his furnishing bond in the sum of Rs.10,000/- with two sureties of like amount to the satisfaction of the Trial Court subject to the condition that he shall not threaten the witnesses or would indulge in any activity which would be called unlawful. Should the petitioner make any attempt to either desist the witnesses from deposing against him before the Court or disturb the parents of Priyanka or Priyanka, the complainant (PW.5) would be at liberty to file an application for

cancellation of his bail before the Trial Court. The Trial Court, on finding such complaints against the petitioner to be true, would act accordingly and would pass necessary orders in accordance with law.

Application is allowed.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 19, 2015

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