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

+ **BAIL APPLN. 29/2016**

MUKUL

..... Petitioner

Represented by: Mr. Rajiv Ahuja, Advocate.

Versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, Additional
Public Prosecutor for the State
with SI Durga Das, P.S. Saket.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

% **07.01.2016**

Crl. M.A. No.186/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

BAIL APPLN. 29/2016

1. Vide the present petition filed under Section 439 Cr P C, the petitioner seeks directions thereby granting bail in case bearing FIR No.1465/2015 registered at Police Station Saket, New Delhi, for the offences punishable under Sections 307/324/34 IPC and Section 25 Arms Act.

2. Learned counsel appearing on behalf of the petitioner submits that the incident in question happened at about 11.30 PM on 28.11.2015. Three

members (petitioner and his two friends) riding on a scooty had a close brush with a speeding Honda City Car (which had five men on board) at the crossing of Saket Courts, New Delhi. Consequently, violence broke out between the aforesaid two groups, i.e., three young boys aged around 19 years who were on scooty and five men who were in Honda City Car. As per the allegations made in the FIR, three members who were on the scooty used a knife in the violence which happened with five members of Honda City Car. Consequently, the said three members were arrested in the FIR in question and they are in custody since 29.11.2015.

3. Learned counsel further submits that the incident had taken place as the scooty had hit the Honda City Car and it is a simple case of road rage. He further submits that the injured were discharged on the same day from the hospital and prays that the instant petition be allowed as petitioner is a young boy of 19 years and is in custody since 29.11.2015.

4. On the other hand, learned Additional Public Prosecutor for the State submits that the petitioner is the main culprit in the incident in question. He used 25 cm long knife and caused grievous injuries to one of the injured and other victims received the simple injuries with sharp object. He further submits that the present case is not a simple case of road rage as the petitioner and his friends had a knife in their scooty and used the same in the incident. Therefore, in these circumstances, the present petition may not be allowed.

5. It is not in dispute that the incident had taken place when the scooty hit the car and an altercation took place between the occupants of the aforesaid vehicles wherein the complainant received injuries.

6. I find force in the submission of the learned APP that the petitioner had carrying a knife measuring 25 cm which he was not supposed to carry. Therefore, the petitioner was booked under Section 25 Arms Act.

7. Be that as it may, the victims were discharged from the hospital on the same day, the petitioner is a young boy of 19 years and is in custody since 29.11.2015. However, keeping in view the young age of the petitioner, the period of custody already undergone by him and the facts and circumstances of the case, I, therefore, deem it appropriate to admit the petitioner on bail.

8. Accordingly, the petitioner shall be released on bail 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. The petitioner is directed to furnish his address in case of any change to the concerned Investigating Officer and the Trial Court as well.

9. In view of the above, the present petition is allowed.

10. A copy of this order be given *dasti* to the learned counsel for the parties.

SURESH KAIT, J.

JANUARY 07, 2016

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