

§-12&14

2

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 166/2016

YOGINDER @ JONGINDER @ JOGGA

..... Petitioner

Through

Mr Jabbar Hussain and Mr Nitin Devgun,
Advocates.

versus

GOVT. OF NCT DELHI

..... Respondent

Through

Mr Hirein Sharma, Additional Public
Prosecutor for the State

AND

+ BAIL APPLN. 345/2016

ANIL KUMAR

..... Petitioner

Through

Mr Jabbar Hussain and Mr Nitin Devgun,
Advocates

versus

GOVT. OF NCT DELHI

..... Respondent

Through

Mr Hirein Sharma, Additional Public
Prosecutor for the State

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

%

28.03.2016

1. The petitioners vide these applications u/s 439 Cr.P.C. seek regular bail in case FIR No.532/2014 u/s 302/307/201/34 IPC registered with Police Station Subzi Mandi.

2. FIR in the instant case was registered on the basis of statement of Rajesh, S/o Om Prakash wherein he alleged that on 25th October, 2014 at about 11:00 AM, his parents had gone to the house of his aunt Premwati and Omwati where some altercation took place outside the house of his aunt between Inderjeet and his parents. His niece Arti who was passing through that place came to the house of the complainant and informed about the quarrel which was going on outside

3

the house of his aunt. Subsequently, he also went there and saw that Ashok@Puskar was having a knife in his hand. Inderjeet, Yoginder@Joga, Anil Kumar@ Sonu and Vijay caught hold of his brother Ajay and they were exhorting Ashok@ Puskar to stab his brother Ajay. Accused Ashok@ Pushkar gave three four knife blows in the stomach of his brother Ajay because of which he fell down on the ground. When his brother Anil tried to save Ajay, accused Ashok @ Pushkar also stabbed Anil with the knife. Sanjay in order to save his brother Anil caught hold of accused Ashok @ Puskar and in their scuffle, the knife fell down on the ground. Accused Inderjeet @ Poppy again lifted the same knife from the ground and stabbed Sanjay. When the complainant attacked them with the cot's leg, the accused fled away from there. Injured Ajay, Anil and Sanjay were taken to Hindu Rao Hospital where Ajay was declared 'brought dead' by the doctors.

3. Counsel for the petitioner submits that no incriminating item has been recovered from the possession of the applicants or at their instance. Only allegation against them is that of catching hold of the deceased. The entire family is behind bars and there is nobody in the family to look after the minor children and the ladies. As such, at least on humanitarian grounds, the accused be released on bail.

4. The application is vehemently opposed by learned Additional Public Prosecutor for the State on the ground that the allegations against the petitioners are very serious in nature. A precious life has been taken by the accused persons active in furtherance of their common intention whereby while they caught hold of the deceased, knife blows were given by co-accused Ashok @ Puskar, which proved fatal. Things did not end there. When his brother Anil tried to save Ajay then he was also inflicted knife blows by Ashok @ Puskar and Sanjay was also stabbed by co-accused Inderjeet @ Poppy. That being so, there are no grounds for releasing the accused on bail.

5. Needless to say, allegations against the accused are very serious in nature.

4

The role assigned to the present petitioner is that of catching hold of the deceased as well as exhorting co-accused Ashok @ Puskar. Not only precious life of deceased was taken, whosoever came to save the deceased, he was also stabbed with knife.

6. Keeping in view the gravity and seriousness of the offence, I did not deem it proper to release the accused at this stage.

7. The applications are accordingly dismissed.

Sunita Gupta
SUNITA GUPTA, J

MARCH 28, 2016/rs