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

+ **BAIL APPLN. 267/2016**

VISHAL

..... Petitioner

Through: Mr.Abhinav Sharma and
Mr.Mahender Shukla, Advocates.

versus

THE STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Ashok Kumar, PS Kirti Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

22.02.2016

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1. The petitioner is seeking regular bail in case FIR No.209/2015 under Section 307 IPC, PS Kirti Nagar, Delhi.
2. I have heard learned counsel for the petitioner as well as learned APP for the State and carefully gone through the record.
3. Learned counsel for the petitioner has submitted that the petitioner is just 19 years of age. He is in custody since 20.07.2015. It has been further submitted by learned counsel for the petitioner that neither the weapon of offence has been recovered nor he was arrested from the spot. Rather he has been arrested in this case after about two months from the date of occurrence. Learned ASJ declined to release him on bail on the ground that material witnesses have not been examined in this case which was not a sufficient ground to decline the bail to him. It has been urged that in view of the young age of the petitioner, he may be enlarged on bail.

4. Alongwith the status report, the State has also filed copy of the photograph of the injured Ashok which shows a cut from the area of chin upto ear on left side of the face.
5. The complainant in this case is Asha Devi, mother of the injured who had visited her village 5-6 months prior to the occurrence. Her neighbour Mustakin came along with her to Delhi for sightseeing.
6. On the day of occurrence, the petitioner has allegedly slapped Mustakin and he was crying. In the meantime, Ashok – son of the complainant reached there and asked why Mustakin was crying. On coming to know about being slapped by Vishal – the petitioner, her son Ashok questioned Vishal as to why he had slapped Mustakin. On being questioned, the petitioner allegedly took out a blade from his pocket and attacked on the left cheek of Ashok as a result of which he suffered injuries. In the FIR, it is also mentioned that statement of mother of the injured was recorded for the reason that due to the injuries suffered, the injured was not in a position to speak and the incident was narrated by his mother who has allegedly witnessed the occurrence.
7. Initially the FIR was registered under Section 324 IPC and subsequently converted to Section 307 IPC.
8. In this case, though the chargesheet has been filed, material witnesses are yet to be examined. The petitioner was allegedly carrying a blade in his pocket and used to inflict injuries on the cheek of Ashok – son of the complainant just for the reason that he was asked by the injured as to why he slapped Mustakin.
9. In the given facts and circumstances, at this stage I am not inclined to enlarge the petitioner on bail. Prayer rejected.

10. Bail application dismissed.
11. The observations made above are only for the purpose of deciding the bail application and shall not be considered as an expression on merits.

PRATIBHA RANI, J.

FEBRUARY 22, 2016
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