

\$~11

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 328/2016
HARENDER KUMAR

..... Petitioner

Through Mr Gaurav Kochar, Adv.
versus
THE STATE (NCT OF DELHI)

..... Respondent

Through Mr Hirein Sharma, Additional Public Prosecutor
for the State alongwith Sub Inspector Rajeev
Kumar Police Station New Ashok Nagar, Delhi

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 05.04.2016

This is an application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in FIR No. 1664/2015 under Section 308/34 IPC registered at Police Station New Ashok Nagar.

It is submitted by counsel for the petitioner that pursuant to the directions given by this Court, the petitioner has joined investigation and is still ready and willing to join the same as and when required. It is further submitted that the injuries suffered by the injured were opined to be simple and the injured was discharged on the same day from the hospital. The role assigned to the petitioner is that of catching hold of the injured as such no recovery is required to be effected from him.

Learned Additional Public Prosecutor for the State does not dispute that the petitioner has joined investigation. It is, however, submitted that he is not cooperating in the investigation and the weapon of offence is yet to be recovered.

As per the averments made in the FIR, accused Braham Prakash is the person who has given lathi blows on the person of injured. As such, without expressing any opinion on the same, keeping in view the fact that the petitioner has joined investigation, in view the totality of the facts and circumstances of the case, it is ordered that in the event of his arrest:-

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.

(iii) He shall furnish his address as well as his contact number to the Investigating Officer.

(iv) He shall not threaten or coerce complainant or any prosecution witness.

The application is accordingly disposed of.

Copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

APRIL 05, 2016/*rd*