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

+ BAIL APPLN. 1367/2016

JITENDER @ BHAIYA DEV

..... Petitioner

Through Mr.S.K. Kashyap, Adv.

versus

THE STATE (THROUGH GOVT OF NCT OF DELHI)

..... Respondent

Through Mr.M.P. Singh, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **19.07.2016**

Arguments heard.

The present application has been filed by the petitioner under Section 439 read with Section 482 Cr.P.C. for the grant of regular bail in FIR No.252/2015, under Section 307/34 IPC, Police Station Prasad Nagar.

As per FIR, the allegations levelled are that the complainant Ashwani made a statement to the police that on 22.03.2015 at about 11.40 p.m., he was sitting outside the house of his friend Rohit. In the meantime, four boys including Bhaiya Dev, Teli and Gaurav came there who were known to the complainant. The accused persons surrounded Rohit. Accused Bhaiya Dev threatened Rohit with dire consequences and then accused Bhaiya Dev attacked Rohit with a knife on his back. Rohit to save his life ran away from there, but

accused Teli attacked him with a knife on his thigh. On hearing the cries of Rohit, many people came there and on seeing them, the accused persons ran away from the spot. He also stated that accused Bhaiya Dev, Teli and Gaurav were armed with knives at the time of incident and they had come to the place of incident with a common intention to kill Rohit.

On the basis of statement of the complainant and medical report of the injured Rohit, FIR of the present case was registered. During investigation, accused persons were arrested.

The argument advanced by the counsel for the petitioner is that the charge sheet in the case has already been filed and the accused is in custody since 03.09.2015. The charges have already been framed and there is no chance of hampering the investigation. It is further submitted that the complainant and injured have already been examined before the Trial Court, so there is no question of tampering with the evidence or influencing the witnesses.

On the other hand, learned APP for the State opposed the bail application on the ground that the injuries caused on the person of the injured are grievous in nature. The injured was given knife blows on his person which resulted into injuries on his thigh and the back of his chest. It is further submitted that the nature of injuries and the seriousness of offence do not warrant releasing of the petitioner on bail.

As per allegations contained in the FIR, the injured was given knife blows on his person i.e. on his thigh and at his back. Perusal of MLC of the injured Rohit shows that though the injuries sustained by

him are grievous in nature but the same were lacerated wound and not stab wounds, as per the opinion of the doctor. Even otherwise, the fact remains that the conclusion of trial is likely to take time as the prosecution evidence is still going and in the considered view of this Court, no fruitful purpose would be served to keep the petitioner behind the bar for an indefinite period.

In the facts and circumstances, the present application is allowed. The petitioner is hereby directed to be released on bail on furnishing the personal bond in the sum of Rs.25,000/- with two sureties in the like amount to the satisfaction of the Trial Court. However, the petitioner is directed not to tamper with the evidence or influence the witnesses and shall not leave the country without prior permission of the Trial Court.

However, it is made clear that any expression of opinion made above shall not have any bearing on the merits of the case.

The application is disposed of accordingly.

P.S.TEJI, J

JULY 19, 2016
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