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

+ **BAIL APPLN. 1305/2016**

SURENDER KUMAR

..... Petitioner

Through: Mr. Gurmehar S. Sistani & Mr. Satish
Pandey, Advocates.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP along with
ASI Subh Narayan, PS-Jaitpur, for the
State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.07.2016

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The matter has been taken up today as 07.07.2016 was declared as holiday on account of Eid.

The petitioner Surender Kumar has preferred the bail application under Section 439 Cr.P.C., who is an accused in FIR No.143/2016 under Section 379/382/411/34 IPC registered at P.S. Jaitpur, Delhi. The submission of learned counsel for the petitioner is that the role attributed to the petitioner is distinct from the other two accused. The case of the prosecution is that the three accused, including the petitioner were involved in the theft of pigs and in the process one Rahul was attacked by Rajbir and Nanak, the other two accused. The role attributed to the petitioner is that he was the Auto Driver who had been hired by the other two and he had agreed

to accompany the other two accused out of greed.

Learned counsel for the petitioner submits that the charge-sheet already stands filed. He has also taken the Court through the charge-sheet. The petitioner is not accused of having inflicted the grievous serious injury on the victim Rahul. It is not the case of the prosecution that he was present at the spot when Rahul tried to intervene and he was stabbed.

Since the charge-sheet already stands filed, the petition is allowed. The petitioner is directed to be released on bail upon his furnishing one surety in the sum of Rs.10,000/- to the satisfaction of the Trial Court. The petitioner shall also provide his mobile phone number, which shall be kept in working condition and shall not be changed without prior intimation to the Court. He shall not come in contact with or try to influence any of the prosecution witnesses.

Dasti under signature of Court Master.

VIPIN SANGHI, J

JULY 08, 2016

B.S. Rohella