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

+ **BAIL APPLN. 2115/2016**

JAMIL @ FOOTBALL

..... Petitioner

Represented by: Mr. Vineet Jain, Adv.

versus

STATE (GNCT OF DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
ASI Satybir Singh PS Mian
Wali Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
02.12.2016

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By the present petition the petitioner seeks bail in case FIR No.205/2013 under Sections 302/307/323/34 IPC and 25/27 Arms act at PS Mianwali Nagar.

Learned counsel for the petitioner submits that the petitioner is in custody since 31st July, 2013 and during the course of trial all material witnesses have been examined. Even as per the case of prosecution scuffle took place on a minor issue and the fight between the parties continued where on the spur of the moment it is alleged that on the instigation of Natia the petitioner and co-accused Gulshan caught hold of Vishal and Natia gave one single blow on the abdomen of Vishal by knife.

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The above-noted FIR was registered on the statement of Sonu who alleged that his cousin sister was married to one Mohd. Akbar around three years ago. His neighbours Junaid @ Gulshan and his associates were defaming his sister by spreading false rumours. When Akbar came to know about it on 30th July, 2013 at 10.30 PM he along with the complainant's maternal uncle, aunt and wife went to the house of Gulshan to reason out. A minor scuffle took place. In the meantime Akbar's brother also came to the spot along with 4/6 persons. At around 11.00 PM Gulshan, Babu, the petitioner Jameen @ Football and Natia also reached their equipped with lathis etc. Quarrel ensued between the two parties. Suddenly, Natia whipped out a knife and instigated his family members to finish them. On that instigation petitioner and Gulshan caught hold of Vishal and Natia gave a stab blow in the abdomen of Vishal. Vishal was admitted in the hospital who expired on 23rd November, 2013. As per the post-mortem report the case of death was due to shock associated with septicaemia.

Considering the fact that out of 22 witnesses cited by the prosecution 18 witnesses have been examined which includes all the material eye-witnesses and the petitioner has been in custody since 31st July, 2013 i.e. more than three years and the role assigned to him is of catching hold, this Court finds it fit to grant bail to the petitioner. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹30,000/- with one surety of the like amount to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner would not reside in the vicinity of the complainant or the family members of the deceased and will not leave the country without the prior permission of the

Court concerned.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 02, 2016
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