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

+ **BAIL APPLN. 1843/2015**

SHAHID

..... Petitioner

Through: **Mr.R.P.S.Bhatti, Advocate.**

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: **Ms.Rajni Gupta, APP for the State
with SI Subhash Kumar, PS
Shahdara.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.01.2016

1. The petitioner Shahid has filed the present application under Section 439 Cr.P.C. seeking bail in case FIR No.117/2011 under Section 307 IPC, PS Shahdara, Delhi.
2. Mr.R.P.S.Bhatti, learned counsel for the petitioner submits that the injured and the applicant/petitioner are closely related as the petitioner is maternal uncle of the injured. Learned counsel for the petitioner further submits that in terms of settlement arrived at between the parties, copy of which is placed on record as Annexure-D, a sum of ₹1 lac has been paid as compensation to the injured and that the petitioner has already remained in custody for quite sufficient time, hence he may be released on bail.
3. Learned APP for the State has opposed the prayer of the petitioner for

grant of bail submitting that the injured has suffered burn injuries to the extent of 35%. Learned APP for the State has placed on record the copy of the proceedings dated 15.01.2016 before the learned Trial Court submitting that the trial is likely to conclude as the case is listed before the learned Trial Court for 09.02.2016 for defence evidence.

4. I have heard considered the rival contentions and carefully gone through the record.

5. The applicant/petitioner before this Court is real maternal uncle of the complainant/injured, who was a young girl and student of 10th Standard at the time of incident.

6. As per the statement of complainant/injured, she was 15 years old and studying in 10th Standard when this incident has taken place wherein she allegedly received 35% burn injuries at the hands of her maternal uncle Shahid (applicant) and his son Imran.

7. In the case *Prasanta Kumar Sarkar v. Ashish Chatterjee & Anr. (2010) 14 SCC 496*, the Supreme Court has observed that while considering application for bail, it is incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. Among other circumstances the factors which are to be borne in mind while considering an application for bail are whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; nature and gravity of the accusation; severity of the punishment in the event of conviction; danger of the accused absconding or fleeing, if released on bail : character, behaviour, means, position and standing of the accused; likelihood of the offence being repeated; reasonable apprehension of the

witnesses being influenced; and danger, of course, of justice being thwarted by grant of bail.

8. When the case of the petitioner is examined in the light of above principles, I am of the considered opinion that payment of ₹1 lac to the injured and that too when she was allegedly set on fire by her own maternal uncle and cousin at midnight when she was allegedly studying in her room, makes the nature of offence so heinous so as to disentitle the petitioner to be released on bail. Otherwise also, the trial is likely to conclude shortly as the matter is stated to be listed before the learned Trial Court on 9th February, 2016.

9. Bail application is hereby dismissed.

10. 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.

JANUARY 28, 2016

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