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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 1310/2017
ADITYA @ LOVELY Petitioner
Through: Mr.Pankaj Tomar, Adv.
versus

STATE Respondent
Through: Mr.Hirein Sharma, APP for State

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
% **25.08.2017**

This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner seeking grant of regular bail in case FIR No.315/2016, under Sections 307/506/34 IPC & Sections 25/27/54/59 Arms Act, registered at Police Station-Karawal Nagar, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in FIR No.315/2016, under Sections 307/506/34 IPC & Sections 25/27/54/59 Arms Act, registered at Police Station-Karawal Nagar, Delhi is false. Counsel for the petitioner further submits that the petitioner has not used any weapon of offence. He has further submits that the weapon of offence was not recovered from the possession of the present petitioner. He has further submitted that there is no allegations qua against the present petitioner causing any fire arm injury. He has further submitted that the role of the petitioner is simply under Section 34 IPC. He has further submitted that the investigation has already been completed and the charge sheet has already been filed. He further submits that the petitioner is in judicial custody since 17.09.2016 and not required for further investigation in the present case. He has further submitted that

trial is not likely to conclude in near future and the continued incarceration of the petitioner will not serve any purpose and prays that the petitioner be released on regular bail.

On the other hand, learned APP for the State has vehemently opposed the bail application. However, on instructions from Investigating Officer, learned APP for State has submitted that there is no allegations qua against the present petitioner of using weapon of offence and the allegation of using weapon of offence is attributed to the co-accused Pankaj.

Looking in the above facts and circumstances, since the investigation has already been completed and the petitioner is stated to be in judicial custody since 17.09.2016, no purpose would be served if the petitioner is kept in judicial custody as the trial is likely to take some time, consequently, the petitioner is granted bail on his furnishing a bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Court below with the condition that he shall not influence the prosecution witnesses; he shall not contact, threaten or coerce the victim or any of his/her family members or to indulge in any illegal activities; he shall not tamper the prosecution evidence and he should not leave India without prior permission of the Court below.

The present bail application is disposed of accordingly. However, this order shall not affect the merit of the case.

Copy of the order be given *dasti*, as prayed.

I.S.MEHTA, J

AUGUST 25, 2017/sr