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

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Judgment delivered on: 03.04.2018

+ BAIL APPLN. 301/2018

AMIT @ VICKY

..... Petitioner

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr S.K.Nanda

For the Respondent :

Ms. Anita Abraham, APP for the State.

SI Karamvir, PS Narela.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

03.04.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Learned Additional Public Prosecutor for the State has filed the status report in the Court today. The same is taken on record.
2. Petitioner seeks regular bail in case FIR No.775/2014 under Sections 302/307/365/34 IPC & 25/25(54)/27/29 Arms Act, Police Station Narela.
3. The allegations against the petitioner - Amit @ Vicky are that the petitioner along with co-accused Vijay, two friends both named Praveen, Jaspreet and Arun sought to abduct the complainant. It is alleged that the deceased Praveen caught hold of the complainant while co-accused Vijay

fired on the complainant. The bullet missed the complainant and hit Praveen, who was holding the complainant, on his forehead, who expired. Jaspreet is alleged to have been sitting in the car at the time when the alleged incident took place.

4. It is further alleged that the petitioner had brought all of them in his car. Learned counsel for the petitioner submits that the complainant has already been examined and has failed to identify the petitioner. It is further submitted that Vijay, who is alleged to have fired the pistol, has already been admitted to regular bail on 20.05.2016, as he was also not identified by the complainant.

5. Further, it is contended that the co-accused Arun was granted bail by order dated 30.10.2017 and Praveen had been granted bail on 04.05.2016.

6. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and even in the statement given by the complainant, he has failed to identify the petitioner.

7. Further, it is contended that the petitioner has been implicated on the basis of the *last seen together theory* as the petitioner had picked up the deceased from his house. It is contended that both the petitioner and deceased were working in the same office and as a matter of routine, petitioner used to pick him up the deceased daily to go to work.

8. It is contended that the petitioner has been incarcerated since 23.07.2015.

9. The application is opposed by the learned Additional Public

Prosecutor for the State, who submits that though the complainant has failed to identify the petitioner, there is evidence against the petitioner, of last seen together.

10. Perusal of the record shows that the petitioner was not named in the FIR and the complainant has failed to identify the petitioner at the time of his testimony which was recorded before the Trial Court. Further, keeping in view the fact that the main co-accused – Vijay, who is alleged to have fired the weapon, has also been admitted to bail and the other co-accused Arun and Praveen have also been admitted to bail, without commenting on the merits of the case, perusal of the record shows that the petitioner has made out a case for grant of bail. The petitioner has been in custody since 23.07.2015.

11. Accordingly, the petitioner is admitted to bail subject to petitioner furnishing a personal bond in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of the Trial Court. The petitioner shall not do anything, which shall either prejudice the trial or prosecution witnesses. The petitioner shall not leave the country without permission of the Trial Court. The petitioner shall also not change his permanent address without intimating the Trial Court. The petitioner shall also report to the concerned Police Station on first Saturday of every month.

12. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL03, 2018

'Sd'