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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 239/2018**
SHIVAM CHAUHAN @ BADI @ MONU Petitioner
Through: Mr. N.S. Bhat, Advocate

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Arun Kumar Sharma, APP for the
State with SI Kulvir Singh, PS KNK
Marg.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **02.07.2018**

The applicant is one of the accused persons facing trial in the criminal case arising out of the charge-sheet submitted pursuant to completion of the investigation into case FIR No.320/2015 of Police Station KNK Marg. The case is presently pending trial in the court of Sessions of North-East District at Rohini Courts Complex. After framing of charge, evidence is being adduced by the prosecution. The charges which were framed against the accused persons (including the applicant) include those for offences under Section 364-A/324/34 Indian Penal Code, 1860. It appears that the statement of the victim Karan Chopra (PW-12) has already been recorded. On the basis of certain version coming in the said statement, the applicant who was arrested in the case on 22.03.2015, moved an application for release on bail, *inter alia*, claiming that he himself was a victim. The said application was dismissed by the trial Judge by order dated 04.01.2018, whereafter the

present application has been moved with similar prayer on identical grounds.

Having heard the learned counsel for the applicant and having gone through the record including the status report and copy of the statement of PW-12 as aforementioned, this court finds the material presented for release on bail to be not sufficient to disbelieve the case of the prosecution as is primarily the objective of the argument raised. Going by the testimony of PW-12 on oath during his examination-in-chief, it is clear that he has stood by the version given before the investigating agency as to the complicity of the applicant in the offence particularly under Section 364-A read with Section 34 IPC.

It does appear that for the injuries suffered by PW-12, certain acts of commission are attributed to co-accused (Karan Sharma). It also does appear that PW-12 is on record to state that the applicant and another co-accused (Bharat Bhushan) had tried to persuade the said Karan Sharma to spare PW-12 any physical assault or further confinement and in the wake of such efforts they were also at the receiving end from the said Karan Shama, who statedly extended threats to them. But, this by itself cannot mean that the role attributed to the applicant particularly with regard to his participation in the previous part of incident is not credible.

At this stage of the case involving such serious offence as punishable under Section 364-A Indian Penal Code, 1860, no case for bail is made out.

Dismissed.

R.K.GAUBA, J.

JULY 02, 2018

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