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

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Judgment delivered on: 10.08.2018

+ BAIL APPLN. 1004/2018

GAGANDEEP SINGH @ GAGGI Petitioner

versus

STATE Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Kuldip Babbar, Advocate

For the Respondent: Ms.Neelam Sharma, APP for the State.
S.I. Virender Kumar, PS KNK Marg

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.347/2017, under Section 307/34 IPC read with Section 27 Arms Act, Police Station KNK Marg. Subsequently, Section 302 IPC has been added.

2. The allegation against the petitioner is that the petitioner had exalted the co-accused, who then shot the victim and the victim subsequently expired.

3. Learned counsel for the petitioner submits that the petitioner

has been falsely implicated and there is recording of the brother of the victim wherein he had come to the house of the mother of the petitioner and threatened her and had asked her to convince the petitioner to give evidence against the co-accused, failing which he would be implicated in this case and the brother was also alleged to have stated that they had planted false witnesses for the prosecution.

4. Learned counsel for the petitioner relies upon the judgment of this Court in CrI. Rev. P. 285/2018, wherein this Court on the petition filed by the present petitioner had directed that the evidence of the brother who is alleged to have threatened the mother of the petitioner be recorded as a court witness.

5. Learned counsel for the petitioner submits that on 09.08.2018, the brother of the victim was summoned. He appeared in the witness box, however refused to give his voice sample, accordingly an adverse inference is liable to be drawn against him that the contention of the petitioner that he had threatened the mother of the petitioner is correct. Copy of the order is produced, the same is taken on record

6. Learned counsel further submits that none of the witnesses other than the planted witnesses have supported the case of the prosecution. He further submits that the petitioner had earlier been released on interim bail and had duly surrendered in terms of the directions given this Court.

7. Without commenting on the merits of the case and on perusal of the record, I am satisfied that the petitioner has made out a case for grant of regular bail.

8. Accordingly, subject to petitioner furnishing a bail bond in the sum of Rs.25,000/- alongwith two sureties of the like amount to the satisfaction of the concerned Trial Court, the petitioner shall be released on bail, if not required in any other case. The petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. The petitioner shall not leave the Country without permission of the concerned Trial Court. The petitioner shall report before the concerned SHO once on the first Saturday of every month and shall appear before the Trial Court, as and when required by the Trial Court.

9. The petition is disposed of in the above terms.

10. Order Dasti under signatures of the Court Master.

AUGUST 10, 2018
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SANJEEV SACHDEVA, J