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

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Judgment delivered on: 10.05.2018

+ BAIL APPLN. 895/2018

TARUSH

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Tiwari, Advocate.

For the Respondent : Ms. Neelam Sharma, Addl. PP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.05.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in FIR No. 332/2016 under Sections 302/307/323/34 of the IPC, registered at Police Station Pahar Ganj, new Delhi.

2. The allegations in the FIR are that a fight took place on account of parking of motorcycle and thereafter the complainants were assaulted, subsequently some more accused joined the quarrel. One of the accused used a knife on the victim, who expired.

3. Learned counsel for the petitioner submits that the petitioner has

been falsely implicated and there is nothing to connect the petitioner with the subject incident as the petitioner is neither named in the FIR nor identified by any person. He further submits that one co-accused Himanshu has already been admitted to regular bail. Further, it is contended that the petitioner was picked up after three days of the registration of the FIR and has been implicated solely on the statement of a co-accused. He further submits that the complainant in the testimony recorded before the trial court and has specifically stated that the petitioner was not one of the person who had assaulted him and the deceased on the said date. Petitioner is not the one who is alleged to have used the knife.

4. Learned Addl. PP submits that as per the FIR some boys came on white-yellow scooty and the said scooty has been identified by one of the witnesses.

5. Learned counsel for the petitioner points out that there is no make or model of the scooty mentioned either in the FIR or in any of the statements which were recorded. No description, detail or registration number of the scooty has been mentioned apart from simply stating that scooty of white colour has been identified. It is further submitted that the petitioner was earlier on interim bail for a period of one month for the purposes of Class-10th Examination and the petitioner is aged about 19 years and did not misuse the liberty granted and surrendered as per the directions granting interim bail.

6. Perusal of the record shows that the petitioner has made out a case for grant of bail. Accordingly, petitioner is directed to be released on bail on

his furnishing a personal bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the trial court, if not required in any other case. The petitioner shall not do anything which may prejudice either the investigation or the prosecution witnesses. The petitioner shall not make any endeavour to contact the complainant or any of the prosecution witnesses. The petitioner shall not leave the country without permission of the trial court.

7. Order Dasti under signatures of the Court Master.

MAY 10, 2018
'rs'

SANJEEV SACHDEVA, J

नस्यमेव जयते