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

% Judgment delivered on: 13.09.2018

+ BAIL APPLN. 1159/2018

AJEEM

..... Petitioner

versus

THE STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Gaurav Kochar and Mr.Dollar Jain, Advs.

For the Respondent: Mr.Panna Lal Sharma, Addl. PP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

13.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in FIR No.342/2016 under Sections 302/307/34 IPC Police Station Harsh Vihar.

2. The allegations in the FIR are that a call was received in control room that one boy had been stabbed. When the IO reached the spot, he was informed that the boy had been taken to the hospital. Subsequently, the boy expired. No eye witnesses of the incident was found on the spot.

3. As per the chargesheet, the case is based on circumstantial

evidence. The petitioner is alleged to be co-worker with the deceased. It is alleged that on account of dispute with regard to a girl, fight had taken place between the petitioner/co-accused and the deceased. The case is also based on the theory of last seen. It is alleged that as per the witnesses, the petitioner alongwith the co-accused and the deceased had left their factory and subsequently the deceased was found stabbed on the road.

4. The contention is that incharge of the ambulance had given a statement, one month after the incident, wherein he had stated that he had enquired for the injured while taking him to the hospital and the deceased had named the petitioner and the co-accused, as the persons with whom he had a fight and who had stabbed him.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that none of the witnesses who had allegedly given their 161 statements have supported the case at trial. All the public witnesses have already been examined and none of them have stated anything incriminating against the petitioner.

6. He submits that the statement given by the incharge of the ambulance is not reliable in as much as he is alleged to have stated in his statement that he had informed the duty constable in the hospital on the very day while bringing the injured (now deceased) to the hospital that the deceased had named the petitioner and co-accused. He submits that there is no record or entry made either by the duty

constable or the doctor concerned and the statement has been recorded allegedly after one month of the incident.

7. The testimony of the witnesses already recorded before the Trial Court has been produced in court and the same has been perused.

8. The petitioner has been in custody since 06.11.2016.

9. Without commenting on the merits of the case and on perusal of the record, I am satisfied that the petitioner has been able to make out a case for grant of regular bail. Accordingly, on petitioner on furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the trial court, 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. Petitioner shall not leave the country without the permission of the Court.

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

11. Order *Dasti* under signatures of the Court Master.

SEPTEMBER 13, 2018
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SANJEEV SACHDEVA, J