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

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Judgment delivered on: 16.08.2018

+ BAIL APPLN. 1286/2018

JAGMOHAN@ JAGGU

..... Petitioner

versus

THE STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Jangra, Advocate.

For the Respondent : Ms. Neelam Sharma, APP for the
State.
SI Rajbir Singh, PS Mundka.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.352/2017 under Section 307 IPC read with Sections 25/54/59 Arms Act.
2. The allegations in the FIR are that the complainant along with his brother and the petitioner and other friends were celebrating the release of the brother of the complainant from jail in another case.
3. At night when they were drinking, it is contended, that there

was an altercation between the brother of the complainant as well as the petitioner. It is contended that the petitioner took out a country made pistol and threatened to shoot the brother of the petitioner. However, there was a quarrel. Subsequently, a shot was fired which hit the brother of the complainant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He further submits that all the alleged eyewitnesses, who were present at the spot, have been examined before the Trial Court and none of them have supported the case of the prosecution.

5. Learned counsel for the petitioner further submits that the allegations of the prosecution that the weapon was recovered from the petitioner is suspect, as the weapon is alleged to have been recovered at 9 am in the morning from the petitioner, who was alleged to be present at the spot and the incident is of around 12 in the night. He further submits that there is no scientific evidence or finger prints taken from the weapon to connect the petitioner with the weapon and even the gun powder residue test has not been conducted on the petitioner.

6. The petitioner has been in custody since 15.12.2017.

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

grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with 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 the permission of the Trial Court.

8. The petition is disposed of in terms of above.
9. Order *Dasti* under signatures of the Court Master.

AUGUST 16, 2018
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SANJEEV SACHDEVA, J