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

+ **BAIL APPLN. 1738/2018 & CrI.M.A. 28585/2018**

SURAJ @ PINTU

..... Petitioner

Through: Mr. Manish Malik, Ms. Meena Devi,
Mr. Ashish Balyan & Mr. Jai Subhash
Thakur, Advs.

versus

STATE

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Neeraj Kumar, PS
Shahbad Dairy.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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22.10.2018

The petitioner was arrested on 24.08.2017 during investigation into FIR No. 252/2017 of police station Shahbad Dairy involving offences punishable under Sections 307/323/34 IPC and Sections 25 and 27 of Arms Act, 1959. The case involves attempt to commit the offence of murder by co-accused Naveen Dahiya using a county made pistol, firing it at Bhup Singh in the presence of, amongst others, his nephew Rajesh Kumar. The role attributed to the petitioner is that he had exhorted the said Naveen Dahiya in using the said fire arm. Another co-accused, Neeraj Singh, with similar role attributed to him was enlarged on bail by the additional sessions judge by order dated 22.08.2017. There is no reason why similar relief on parity should be denied to the petitioner.

In the above facts and circumstances, where the trial is likely to take some time to conclude, the application is allowed. The case for release on bail is made out. Granted accordingly subject to the following conditions:-

- (i). The petitioner shall furnish personal bond in the sum of Rs.30,000/- with one surety in like amount to the satisfaction of the trial court;
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court;
- (iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress;
- (iv). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
- (v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- (vi). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

It has been pointed out that the proceedings in the sessions are held up for want of prosecution under Arms Act, which, in turn is awaiting the FSL report. The concerned additional sessions judge, will ascertain the reasons from the Director, FSL for the delay and issue necessary directions.

The bail petition and the pending application are disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

OCTOBER 22, 2018

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