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

+ **BAIL APPLN. 1877/2018**

JAVED

..... Petitioner

Through: Mr. Suit Chaudhary and Ms.
Aakansha Bansal, Advocates.

Versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. G.M. Farooqui, APP for State
with SI Hari Ram, PS-Mukharjee
Nagar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.10.2018

The petitioner seeks bail in FIR No. 142/2018 dated 07.03.2018 registered under sections 393/506/398/452 IPC and sections 25/27/54/59 Arms Act at Police Station, Mukherjee Nagar. It is the petitioner's case that he is in judicial custody since 10.03.2018 for alleged attempt to commit robbery. It is the prosecution's case that after having pushed back the complainant, while running away, the petitioner was apprehended by the public. The complainant himself stated the he did not recognise the person, which according to the learned counsel for the petitioner would be an oddity because the complainant and the petitioner were co-workers. The presence of a co-worker, his movements, sounds, etc. could have been identified by the complainant if indeed the petitioner had been involved in the crime. Furthermore, neither the FIR nor the Chargesheet mentions that the assailant was apprehended by the public.

According to the FIR, the complainant had snatched the illegal firearm

from the hand of the assailant. However, the assailant was not identified. Hence, according to the learned counsel for the petitioner, the said recovery of the firearm could not be attributed to him.

In view of the above, the petitioner is granted bail on his furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (iv) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

A copy of this order be delivered upon the Jail Superintendent concerned through the police.

NAJMI WAZIRI, J

OCTOBER 10, 2018

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