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

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Judgment delivered on: 09.07.2018

+ **BAIL APPLN. 2503/2017**

YOGESH @ CHINTU

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sachin Dev, Advocate.

For the Respondent : Mr. Panna Lal Sharma, APP for the State
SI Ashwani, PS Jyoti Nagar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

09.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks Regular Bail in FIR No.506/2016 under Sections 307/324/323/34 IPC read with Sections 25/27/54/59 Arms Act, 1959.

2. The allegations in the FIR are that the complainant received a call from his cousin that an altercation had taken place between his family members and two boys. He along with his brother rushed there and found that two boys were fighting with his cousin. When they

intervened, those two boys left the spot and subsequently came with 7-8 other boys.

3. It is contended that one of the co-accused asked the petitioner to take out the weapon, on which the petitioner took out the pistol and is alleged to have fired at the complainant. Because of intervention of the brother of the complainant, the bullet did not hit the complainant and he was not injured. Subsequently, again it is alleged that the petitioner attempted to fire another shot but the gun jammed. It is alleged that the petitioner as well as some of the other co-accused were apprehended and handed over to the police.

4. The petitioner has been in custody since 19.01.2017.

5. learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that admittedly no injury has been sustained by the complainant or any of his relations on account of any conduct of the petitioner. He further submits that the other co-accused are already enlarged on regular bail.

6. The report of the Forensic Science Laboratory, Ballistic Division dated 28.07.2017 has been produced in Court. With regard to the cartridge, alleged to have been recovered from the gun, which is alleged to have been used in the incident, the report is that no opinion could be given whether the cartridge case marked exhibit 'EC1' had been fired through the improvised pistol or not. Further with regard

to the handwash/swab stated to be of the accused, the FSL report states that no opinion can be given on the same due to insufficient data.

7. Without commenting on the merits of the case as also on perusal of the record, I am of the view that the petitioner has made out a case for grant of regular bail.

8. Subject to petitioner furnishing a bail bond in the sum of Rs.25,000/- alongwith one surety of the like amount to the satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in another case. The petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses.

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

10. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

July 09, 2018
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