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

+ **BAIL APPLN. 2546/2017**

SANDEEP

..... Petitioner

Represented by: Ms. Saahila Lamba, Advocate.

versus

STATE

..... Respondent

Represented by: Ms. Kusum Dhalla, APP for
State with Inspector Rajender
Singh, PS Shahbad Dairy.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.03.2018

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1. By this petition the petitioner seeks bail in case FIR No. 6/2012 under Sections 302/323/34 IPC registered at PS Shahbad Dairy on the complaint of one Naveen Rana.

2. In the above noted FIR Naveen Rana, the complainant stated that Pandit Kabadi, who was residing in Amar Jyoti Colony borrowed ₹20,000/- from him and on 4th January, 2012 when he along with his partner Amit Rana were coming from S P Badli Industrial Area, they went to the house of Pandit Kabadi for return of the borrowed amount. When they asked Pandit Kabadi to return the amount, he started abusing them whereafter Pandit Kabadi and his sons started beating them. In the scuffle he sustained injuries in his left eye and Amit Rana sustained injuries on his head. Amit Rana was taken to Saroj Hospital. Initially the FIR was registered under

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Sections 323/308/34 IPC however, after Amit Rana succumbed to injuries on 7th January, 2012 Section 302 IPC has been added.

3. The petitioner Sandeep is son of Pandit Kabadi and is in custody since 19th January, 2012. Out of 21 prosecution witnesses 15 have been examined. As per the status report all material witnesses have been examined and the formal witnesses are still remaining to be examined. The cause of death was opined to be due to craniocerebral damage consequent to blunt force trauma to head.

4. Considering the nature of injuries and the fact that the petitioner has been in custody now for more than six years and the trial is yet to be concluded, this Court deems it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the court concerned by way of an affidavit.

5. Petition is disposed of.

6. Copy of the order be communicated to the petitioner through Superintendent, Tihar Jail.

MUKTA GUPTA, J.

MARCH 20, 2018

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