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

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Judgment delivered on: 06.03.2019

+ BAIL APPLN. 253/2019

MONU @ SANDEEP

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Jitender Tyagi with Mr. K.D. Pandey,
Advocates.

For the Respondent:

Ms. Meenakshi Dahiya, APP for the State.
SI Anil Kumar, PS Neb Sarai.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.559/2017 initially registered under Sections 308/34 IPC and subsequently on the death of the victim, Section 302 has been added.

2. Allegations in the FIR are that information was received that there was firing and fight in the colony. When police reached the spot, they found that there was a fight between one boy and several other boys and the injured was taken to the hospital. The injured was unfit for statement and subsequently expired.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that apart from alleged disclosure and confessional statements of the accused, there is no material to connect the petitioner with the subject offence.

4. Learned counsel for the petitioner further submits that consequent to the alleged disclosure/confessional statements, there is no recovery of any incriminating evidence/material, as such, the disclosure statements are inadmissible in evidence.

5. Learned counsel for the petitioner further submits that the prosecution had cited two independent eyewitnesses to the incident and their statements have already been recorded before the trial court and they have failed to identify the petitioner.

6. Petitioner has been in custody since 26.12.2017.

7. Learned APP for the State informs that there is no other eyewitness apart from the two witnesses who have already been examined.

8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances, 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 one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case.

Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses. Petitioner shall not leave the country without the permission of the Trial Court. Petitioner shall surrender his passport, if any, to the Investigating Officer, if not already done.

9. Petition is allowed in the above terms.

10. Order *Dasti* under signatures of the Court Master.

MARCH 06, 2019
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SANJEEV SACHDEVA, J

