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

% Judgment delivered on: 27.03.2019

+ BAIL APPLN. 688/2019

MOHAN SINGH

..... Petitioner

versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Indra Charan Tudu with Mr. Sunil Kumar,
Advocates.

For the Respondent : Mr. Hirein Sharma, APP for the State.
SI Subhash Chandra, PS S.P. Badli.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.981/2018 under Sections 394/511/34 IPC, Police Station Samaipur Badli.

2. Allegation of the complainant is that on the day of the incident at about 7:15 pm when he was going to the factory of his uncle, four persons came in front and started fighting with him. They are alleged to have attempted to snatch his mobile phone and one of them i.e., the petitioner is alleged to have picked up a piece of brick and attacked him, on account of which he sustained a fracture above his right eye.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the parties were very well known to each other and subject FIR is an offshoot of a dispute between the parties. He submits that there is a false allegation of an attempt of robbery and there is no question of any attempt of robbery having been made by the petitioner. Learned counsel for the petitioner further submits that as per the MLC, the injured was discharged on the same day after treatment.

4. Learned counsel for the petitioner submits that the petitioner is a young boy of 28 years of age. He further submits that two of the other co-accused have already been admitted to bail.

5. Further, it is contended that the petitioner has been in custody since 31.12.2018.

6. Learned APP for the State submits that the investigation is complete and chargesheet is likely to be filed within the next 2-3 days.

7. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case and also the fact that the petitioner has already suffered incarceration for nearly 87 days and is a young boy of 28 years without antecedents, I am satisfied that the petitioner has made out a case for grant of regular bail.

8. Accordingly, on petitioner furnishing a bail bond in the sum of

Rs.35,000/- with one surety of the like amount to the satisfaction of the Trial Court, the 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.

9. Petition is allowed in the above terms.

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

MARCH 27, 2019
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SANJEEV SACHDEVA, J

