

\$~1

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

% Judgment delivered on: 25.04.2019

+ BAIL APPLN. 977/2019

SURESH KUMAR

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Lokesh Kumar, Advocate.

For the Respondent : Ms. Kusum Dhalla, APP for the State.

SI Virendra Kumar, PS Seelampur

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.373/2017 under Section 307 IPC and Section 27 Arms Act, Police Station Seelampur.
2. Subject FIR was registered on the complaint of the wife of the petitioner and the injured is the son of the petitioner.
3. It is alleged that petitioner was in the habit of drinking everyday and on an issue with regard to return of money which the injured was demanding from a neighbour, who was the friend of the petitioner, petitioner got angry and brought a country made pistol and shot the injured.
4. Petitioner has been in custody since 27.07.2017.

5. Learned counsel for the petitioner submits that as per the allegations in the FIR, the alleged incident happened on the heat of the moment when the petitioner was intoxicated. He submits that the petitioner has already been in custody for nearly 1 year and 10 months. He submits that present petition has been filed by the son of the petitioner, who was the injured, seeking bail for his father

6. Learned APP for the State, under instructions from the Investigating Officer, confirms that petitioner does not have any adverse antecedents apart from the subject offence. She submits that prosecution evidence is still underway and is likely to take some time.

7. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances, I am satisfied that petitioner has made out a case for grant of regular bail.

8. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.20,000/- 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.

APRIL 25, 2019/st

SANJEEV SACHDEVA, J