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

+ **BAIL APPLN. 1065/2019**

PARKASH JHA Petitioner

Through **Mr. Sachin Sharma, Adv.**

versus

THE STATE (GOVT. OF NCT DELHI) Respondent

Through **Mr. Hirein Sharma, APP for State**
SI Mahendra Kumar, PS Kirti Nagar

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **30.10.2019**

Vide the present petition, the petitioner seeks bail in pursuance to FIR No.344/2018 registered at Police Station- Kirti Nagar, District West Delhi for the offences punishable under Sections 365/392/34 IPC.

The present petition is filed on the ground that nothing incriminating has been recovered from the possession of the petitioner or at his instance. There is no evidence against the petitioner which can connect him with alleged offences.

It is stated in the petition that the material witnesses have been examined and they have not supported the prosecution case.

At this stage, learned counsel for the petitioner submits that inadvertently he has mentioned the above said fact, however, the fact remains that even charges have not been framed and the trial shall take substantial time and the petitioner is in judicial custody since 12.09.2018.

Learned APP has strongly opposed the present petition by stating that the petitioner was driving the vehicle in question and the car was recovered from his instance.

In addition to above, there are three more cases pending against the petitioner.

Thus, the petition deserves to be dismissed.

It is not in dispute that petitioner has not been named in the FIR. Also mobile phone of the petitioner has not been recovered. The petitioner has not been identified in the TIP proceedings whereas out of the six accused persons, all five accused persons have been identified by the complainant.

In view of the above, without commenting upon the merits of the case, I am of the opinion that the petitioner has made his case fit for bail.

Accordingly, he shall be released on bail on his furnishing personal bond in the sum of ₹25,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

Application stands allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order *dasti* under the signatures of the Court Master.

SURESH KUMAR KAIT, J

OCTOBER 30, 2019

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