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

% Judgment delivered on: 24.07.2019
+ BAIL APPLN. 1214/2019

VISHAL KUMAR

..... Petitioner

versus

THE STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Mukesh Singh, Adv.

For the Respondent : Mr.Hirein Sharma, Addl. PP for the State

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 416/2018 under Sections 307/34 of the IPC, Police Station Bhalswa Dairy.
2. The allegations are that the victim was fighting with a co accused and thereafter it is alleged that petitioner and another co accused Sadhu Singh came on the spot and intervened. It is alleged that all three of them started beating the victim.
3. Thereafter it is alleged that petitioner and the co accused Sadhu Singh held the victim and instigated the main accused, who stabbed the victim.

4. Learned counsel for the petitioner submits that identical role has been ascribed to the petitioner as well as Sadhu Singh and Sadhu Singh has been released on bail by the Trial Court by order dated 30.01.2019. Reference is drawn to the order dated 30.01.2019 whereby Sadhu Singh has been released on bail.

5. It is observed from the prosecution case that the role ascribed to the petitioner as well as Sadhu Singh is identical. Sadhu Singh was granted bail when he had undergone incarceration of five months. Petitioner has been in custody since 01.12.2018.

6. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that there is no material on record to substantiate that petitioner had instigated the co accused to stab the victim. He submits that there is no material on record to show that petitioner was either present at the spot or was aware that the co accused was carrying a knife which would be used.

7. Learned counsel for the petitioner submits that the victim and public witness has already been examined and cross examined.

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

9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 30,000/- 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 indulge or involve himself in any criminal activity during his period on bail. He shall furnish his mobile number as well as residential address to the SHO concerned as well as to the Trial Court and in case of change of either of the two, intimate the same to the SHO and the Trial Court.

10. Petition is allowed in the above terms.

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

JULY 24, 2019

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SANJEEV SACHDEVA, J