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

+ **BAIL APPLN. 1877/2019**

RAHUL

..... Petitioner

Through Mr Ishwar Singh, Advocate

versus

STATE

..... Respondent

Through Ms Kamna Vohra, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on bail in connection with FIR No. 200/2019 under Sections 307/34 of the IPC and Section 25/27 of the Arms Act, 1959 registered at P.S. Shahbad Dairy, Delhi.

2. The said FIR was registered at the instance of one Avnish @ Chotu. He had reported that on 28.04.2019 at about 10:00 p.m., he along with his friend Nishant @ Nishu were out taking a stroll at Dada Ram Samadhi Wala Park. At the material time, they were accosted by one Monty who had arrived there with his brother and another boy named Ramjaane. It was reported that Monty had taken out a pistol-like weapon and had aimed the same at the complainant (Avnish) and Nishant. In order to avoid any possible injury, which seemed imminent, the complainant caught hold of Monty but he fired one bullet from the said weapon, which had pierced the complainant's ear. It is alleged that Monty fired another bullet which is

stated to have gone through his stomach and exited through his buttock. Monty had also shot at Nishant @ Nishu on the chest. They had, thereafter, run away. Although the petitioner was not involved in the incident inside the park, he was present outside the said park. It is alleged that he was waiting for Monty and his accomplices outside the park and had assisted them in getting away. One or more of the other accused had escaped by riding pillion on the motorcycle being ridden by the petitioner.

3. The chargesheet has been filed. The petitioner has been in custody since 01.05.2019. It is stated that the petitioner is aged nineteen years of age. At the material time, the petitioner was a student of the XIIth standard. He had taken his examinations; however, the results were declared subsequent to the said incident.

4. Given the fact that the said FIR does not disclose that he was directly involved in firing any weapon or in assaulting the complainant and Nishant, this Court considers it apposite to allow the present petition and direct that the petitioner be released on bail.

5. It is, accordingly, directed that the petitioner shall be released subject to the petitioner furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court. The petitioner shall also not leave the National Capital Territory of Delhi without approval of the concerned Trial Court. He shall not try to contact any of the witnesses directly or indirectly or try to influence them in any manner. The petitioner shall also report to the local police station at least once a fortnight. He shall also ensure that he remains present before the concerned Trial Court on all dates of hearing.

6. The petition is allowed in the aforesaid terms.

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

VIBHU BAKHRU, J

SEPTEMBER 13, 2019

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