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

+ **BAIL APPLN. 2089/2019**

MAAN SINGH @ MANNU

..... Petitioner

Through Mr.Vineet Jain, Adv.

versus

STATE

..... Respondent

Through Mr.Tarang Shrivastava, APP for
State.

Si Vinay Kumar PS Anand Parvat.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **23.08.2019**

Crl.M.A.34036/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

Bail Appln.2089/2019

Vide the present application, the petitioner seeks anticipatory bail in pursuance to FIR No.111/2019 registered at PS Anand Parbat punishable for the offence under section 324 IPC.

Case of the petitioner is that co-accused namely Mahipal & Gagan who are nephews of the present petitioner have already been granted anticipatory bail by this Court and sessions court vide orders dated 27.07.2019 and 03.08.2019 respectively.

He further submits that no incriminating evidence has come against the petitioner on record, thus, he has been falsely implicated in the above case.

He further submits that FIR was registered for the offence under section 324 IPC but later on upon asking of complainant, the Investigating Officer added sections 307/394/397 IPC without any concrete evidence available on record.

Later on the result of MLC came in the said FIR regarding injuries of the complainant(injured) which were opined by the Doctor as simple injury but the police official/investigating officer under the pressure of the complaint added section 307 without obtaining the MLC result of the complainant.

Counsel for the petitioner submits that since two co-accused have already been granted anticipatory bail, therefore, justice of equity is in favour of the petitioner and accordingly, the present petition may be allowed.

On the other hand, learned APP for the State has strongly opposed the present application and submitted that stab injuries were caused by the petitioner, therefore, they facilitated the petitioner in committing crime, therefore, this court granted bail to the co-accused persons whereas the petitioner is the main accused who stabbed the complainant with serious injuries.

The fact remains that the IO of the case has to recover weapon of the offence from the petitioner which is not possible if the petitioner is not taken into custody.

Keeping in view the fact that the role of the petitioner is different from the role of co-accused and the case against the petitioner is that he has stabbed the complainant and the IO has to recover weapon of the offence, therefore, I find no ground to allow the present application. ‘

The same is accordingly dismissed.

SURESH KUMAR KAIT, J

AUGUST 23, 2019
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