

\$~4

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

+ **BAIL APPLN. 2989/2019**

AKRAM

..... Petitioner

Through: Mr. SN Qureshi, Adv.

versus

STATE

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with SI Devendra Singh, PS Jafrabad.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

10.01.2020

%

The status report has been submitted on behalf of the State.

Submissions have been made on behalf of either side.

The applicant submits that he has been falsely implicated in the instant case and the role attributed against the applicant as per averments made in the FIR as well as in the status report submitted by the State is to the effect that an altercation had taken place between him and the complainant and one Mr. Salman, the employee of the complainant over a scooty because the scooty had been touched and then Salman informed the complainant about the incident and the complainant reached at the spot where Akram, the petitioner abused the complainant and after that the complainant came to his house and at around 2 pm, Akram, the petitioner and his brother Quadir went to the complainant's house and entered into the house forcefully whereupon Quadir, brother of the petitioner is alleged to

have fired upon the complainant with some illegal weapon and one bullet went through his ear and the complainant tried to stop him and hold his arm and turned in the arm with which he was carrying weapon and that there was a scuffle between the complainant, Akram, the petitioner herein and Quadir and they tried to pull out the complainant of his house by holding his neck; upon his crying, public also gathered.

During the course of submissions that have been made on behalf of the State it has fairly been submitted that the co-accused in the instant case Md. Quadir was also injured with a gun shot injury. It is however submitted on behalf of the State that the said Md. Quadir is absconding and there are non-bailable warrants issued against him by the learned trial Court.

It is further submitted on behalf of the applicant that the averments made in the FIR itself indicate that the complainant had been evading giving his statement repeatedly.

Without any observations on the merits or demerits of the trial that would take place, taking into account the factum that there are no previous adverse antecedents against the applicant and that the role attributed against the applicant is *per se* only of an altercation with his having accompanied the co-accused who is stated to have fired the gun shot with the co-accused having tried to pull out the complainant by his neck, with injuries sustained by the complainant being simple, the applicant in the instant case is allowed to be released on bail on his filing a bail bond of Rs.1 lakh with one surety of the like amount to the satisfaction of the learned trial Court with directions that he shall not leave the city and shall not tamper with the evidence and shall not commit any offence whatsoever.

The application is disposed of.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

JANUARY 10, 2020

vm