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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN.2712/2019 & CRL.M.A. 6658/2020
SANDEEP @ SURESH Applicant
Through: Mr. Bhanu Kathapalia, Adv.

versus

THE STATE Respondent
Through: Ms. Kusum Dhalla, APP for State.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
21.05.2020

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The matter is listed for 29.06.2020 in terms of Office Order No.R-43/RG/DHC/2020 dated 15.04.2020 in as much as it was listed earlier for the date 01.04.2020 and was renotified in view of the present pandemic.

The applicant filed the present application seeking grant of bail in relation to the FIR No.129/2018, PS Mahindra Park, under Sections 307/34 of the Indian Penal Code, 1860 and Sections 25/27/39 of the Arms Act, 1959 submitting *inter alia* to the effect that the co-accused in the matter Lokesh has already been granted bail vide order dated 13.03.2020 of this Court in Bail Appl. No.401/2020. It has also been submitted on behalf of the applicant and as indicated on a perusal of the record that the other co-accused in the matter Sachin @ Shakti, as per the status report that has been submitted by State on the record dated 19.11.2019, vide order dated 15.05.2019 of the learned trial Court was sentenced to undergo imprisonment for a period of eleven months already undergone by the said accused qua the offences punishable under section 307/34 Indian Penal

Code, 1860, to which he had pleaded guilty. As per the said status report dated 19.11.2019, the State is indicated to have filed an appeal against the same, which appeal is stated to be still pending and is not yet listed in the list of 'regulars'.

Vide order dated 08.01.2020, in view of the submissions that had been made on behalf of the applicant that he was not involved in any other incident except the FIR No.129/2018, PS Mahindra Park in which the present application had been filed with the contention having been made on behalf of the State that the applicant was also involved in another case with it having been submitted on behalf of the applicant that the said FIR was registered for the very same incident, which is the subject matter of the present FIR, the State had sought time to verify the said aspect.

It is submitted by the learned APP for the State that in view of the present pandemic, the said aspect could not be ascertained with many of the police officials having also been infected. It is however fairly submitted by the learned APP for the State that in FIR No.352/2019, PS Mahindra Park, under Section 25 of the Arms Act, 1959, the applicant is on bail.

Taking the totality of the circumstances into account that one of the co-accused in the matter has already been released on being sentenced to the period of detention already undergone by him, coupled with the factum that the co-accused Lokesh who had fired on the complainant and consequently injured two children is also on bail vide order dated 13.03.2020 of this Court already adverted to hereinabove, in the circumstances, the applicant is allowed to be released on bail on filing a bail bond for Rs.50,000/- with one surety of the like amount to the satisfaction of the Superintendent Jail, Delhi in view of the present pandemic with directions that he shall not leave the

city of Delhi and the country and shall not make any contact with the complainant and furthermore, the applicant shall not be involved in the commission of any offence whatsoever. In the event of there being any FIR or any DD Entry lodged against the applicant, the State shall bring it to the notice of the Court forthwith.

The application is disposed of.

The date 29.06.2020 is cancelled.

ANU MALHOTRA, J

MAY 21, 2020/vm