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

+ **BAIL APPLN. 246/2020**

KADAR

..... Petitioner

Through: Mr. S.N. Sureshi & Mr. Prakash
Priyadarshi, Advocates.

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for
State with SI Devendra Singh, PS
Jafrabad.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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29.01.2020

The status report has been submitted by the State in relation to the specific directions vide order dated 28.01.2020 as to how the applicant was injured in this case. As per the status report, the allegations levelled against the applicant relate to the alleged commission of the offences punishable under Section 307 r/w Section 34 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959.

Without any observations on the merits or demerits of the investigation or the trial that may take place, on a perusal of the averments made in the FIR with specific allegations levelled against the applicant of having fired the arm on the complainant, which is stated to have resulted into injuries sustained by the injured/ complainant though, simple as submitted through the status report

submitted today, in as much as, the petitioner is alleged to have caught hold of the neck of the injured and thereafter fired upon him despite the contention raised on behalf of the petitioner that the petitioner too was injured in the instant case on his toes with gun shot injuries qua which it has been submitted on behalf of the State by placing on record the copy of the MLC bearing No.5150/2019 of the Hindu Rao Hospital submitting to the effect that the said injuries sustained by the injured as per the information given by the public person named Danish who brought the applicant to the said hospital were to the effect that the said injuries were sustained by him at about 2:15 PM near Shastri Park, ISBT Bridge Carriage Way before the Yamuna River, Shastri Park whereas, the incident in relation to the FIR No.587/2019 relates to the area of PS Jafrabad in relation to which the present applicant has sought the grant of bail.

It has further been submitted on behalf of the State as per the status report submitted that the applicant is involved in four other cases i.e. FIR No.528/2008 under Section 25 Arms Act, PS Seelampur, Delhi, FIR No.474/2008 under Sections 307/34 of the IPC, PS Seelampur, Delhi, FIR No.01/2009 under Sections 323/341/336/506/34 IPC and 27 Arms Act, PS Jafrabad Delhi and FIR No.117/2012 under Sections 302/34 Indian Penal Code, 1860, PS Jafrabad Delhi in relation to which it has been submitted on behalf of the applicant that the applicant has been acquitted in relation to FIR No.528/2008 under Section 25 Arms Act, PS Seelampur, Delhi, FIR No.474/2008 under Sections 307/34 of the IPC, PS Seelampur, Delhi and FIR No.117/2012 under Sections 302/34 Indian Penal Code,

1860, PS Jafrabad Delhi and in relation to FIR No.01/2009 under Sections 323/341/336/506/34 IPC and 27 Arms Act, PS Jafrabad Delhi, the trial is still in progress.

On a consideration of the submissions that have been made and the averments made in the FIR and injuries sustained by the complainant in the instant case despite the contention raised on behalf of the applicant that there was a delay of about 12 hours in the registration of the FIR, there is no ground for grant of bail.

The application is declined.

ANU MALHOTRA, J

JANUARY 29, 2020

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