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

+ **BAIL APPLN. 378/2020**

VIVEK SHARMA

..... Petitioner

Through: Mr. Anil Goel, Mr. Aditya Goel and
Mr. Jatin Sharma, Advocates

versus

STATE

..... Respondent

Through: Mr. Hirein Sharma, APP with SI
Praveen Kumar, P.S. Sultan Puri.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.02.2020

CRLM.A. 2906/2020 (Exemption)

Allowed subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 378/2020

The present petition is filed under Section 439 Cr.P.C. for grant of bail in FIR No. 112/2020 registered at Police Station Sultanpuri under Section 308/34 IPC.

Learned counsel for petitioner submits that as per allegations, head injury by using a stone was caused by co-accused Deepanshu. However, petitioner has not played any role in the incident. Hence, no case under section 308 IPC is made out against the petitioner. The incident occurred due to spur of moment and without any premeditation among friends who were enjoying a birthday party together, hence Section 34 IPC is not made

out. The petitioner is aged about 23 years and is only learning the work of dyeing. He has absolutely clean antecedents and is not a previous convict. There is no chance of the petitioner tampering the evidence and threatening the witnesses, if released on regular bail.

Keeping in view the fact that there is no allegation of hitting the injured with a stone against the petitioner and the fact that he is in judicial custody since 24.01.2020, I am of the view that the petitioner deserves bail.

Accordingly, he shall be released on bail on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Trial Court.

Copy of this order be given dasti under the signatures of Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for necessary compliance.

SURESH KUMAR KAIT, J

FEBRUARY 07, 2020

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