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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 717/2020 & CRL. M. (BAIL) 5895/2020**
(interim bail)

NITIN

..... Petitioner

Through Mr Ravindra Narayan, Advocate
versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr APP for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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16.07.2020

[Hearing held through videoconferencing]

1. The petitioner has filed the present petition, *inter alia*, praying for bail in FIR No. 383/2018 under Section 307/341/147/148/149/201/34 IPC registered at PS Ambedkar Nagar.
2. The petitioner states that he has entered into a compromise with the complainant and has settled the subject disputes. The compromise deed dated 10.02.2020 has also been placed on record.
3. The complainant (Vikas s/o Ram Mehar) has also joined the present proceedings and he states that he does not wish to oppose the petitioner's prayer for bail in this case. He also confirms that their *inter se* disputes have been settled.
4. The FIR in question was filed in respect of an incident in which the petitioner had allegedly stabbed the complainant (victim) multiple times.

Clearly, an FIR reporting an offence of such nature cannot be quashed on the basis of a settlement arrived at between the concerned parties.

5. Mr Narayan, learned counsel appearing for the petitioner states that both the parties had attacked each other. He states that there is another FIR where the complainant is alleged to have attacked the petitioner's father.

6. Be that as it may, as stated above, the offence of such a nature cannot be overlooked merely because the parties have since mutually resolved their differences.

7. It is seen that the Trial Court had by an order dated 19.02.2020, rejected the petitioner's application for bail, *inter alia*, on the ground that the petitioner was also involved in three other cases: FIR No. 212/2014 under Section 232/341/34 IPC, P.S. Ambedkar Nagar; FIR No. 539/2014 U/s 302/34 IPC, P.S. Ambedkar Nagar; and FIR No. 315/2014 under Section 25/54/59 Arms Act, P.S. Ambedkar Nagar. In this regard, it is pointed out that the petitioner has compounded the offence in FIR No. 212/2014 and the said case is not pending. Further, it is also confirmed that the petitioner was acquitted in FIR No. 539/2014 under Section 302/34 IPC and therefore, the assumption that the petitioner was involved in the said FIR is not sustainable.

8. It is also pointed out by Mr Narayan, that the petitioner's father is ailing and is in need of constant care. The evidence of the complainant has been partly recorded. However, it is apparent that he is no longer interested in pursuing the matter.

9. In view of the above, this Court considers it apposite to allow the present petition. The petitioner is directed to be released on bail on his furnishing a personal bond in the sum of ₹25,000/- and one surety of the like

amount to the satisfaction of the Jail Superintendent/Duty Magistrate. This is also subject to the following further conditions:-

- (a) that the petitioner shall not leave the National Capital Territory of Delhi;
- (b) that the petitioner shall provide a contact number and ensure that he is reachable at all times;
- (c) that the petitioner shall report to the SHO P.S. Ambedkar Nagar on Monday of every other week (alternate weeks);
- (d) that the petitioner shall ensure that he is present in Trial Court on each hearing.

10. The petition is allowed in aforesaid terms.

11. A copy of this order be communicated to the concerned Jail Authorities electronically.

VIBHU BAKHRU, J

JULY 16, 2020

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