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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1174/2020**

SHRIPAL SINGH

..... Applicant

Through: Mr. M.K. Parvez, Advocate

Versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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25.06.2020

Hearing has been conducted through Video Conferencing.

This is a petition under Section 439 Cr.P.C. for grant of bail in respect of FIR No. 338/2020 dated 22.05.2020, Police Station Bhalswa Dairy under Section 323/308/34 IPC District Outer North Delhi.

Learned counsel for the Petitioner submits that the role that has been ascribed to the Petitioner in the FIR shows that he was not responsible for inflicting any injury and therefore, Section 308 is not attracted. He, further submits that the injuries caused to the victims are simple in nature and the injured were released after the MLC, from the Hospital, on the same date. He, therefore, prays that the petitioner be enlarged on bail.

Learned Additional Public Prosecutor, on the other hand, submits that Status Report has been filed. Injury was inflicted with a sharp edged weapon and that too on the head, which is a vital part of the body. Therefore, he submits that Section 308 IPC is attracted. Learned Additional Public

Prosecutor, however, candidly submits that the injuries inflicted were simple and the injured were released from the BJRM Hospital on the same day.

I have heard learned counsel for the Petitioner and learned Additional Public Prosecutor.

It is confirmed in the Status Report that the injured were admitted to BJRM Hospital and were discharged on the same very day. The injuries were simple in nature.

Keeping in view the totality of the facts and circumstances of the case, the Petitioner is admitted to bail on his furnishing a Personal Bond in the sum of Rs.20,000/- with one Surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:

- (i) Petitioner will not leave the jurisdiction of National Capital Territory of Delhi without prior intimation to the concerned IO/SHO.
- (ii) Petitioner will provide his Mobile Number to the concerned SHO/IO, which he undertakes to keep operational at all times, during the period of trial.
- (iii) In case of change of address or the mobile number, prior intimation shall be given to the concerned IO/SHO and will also be furnished in the Trial Court.
- (iv) Petitioner will regularly appear before the Trial Court and will cooperate and participate in the trial.

Application is disposed of in the above terms.

The order passed today by this Court will be communicated to the concerned Jail Superintendent for information and necessary action.

Copy of the order be uploaded on the website.

JYOTI SINGH, J

JUNE 25, 2020/rd