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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1556/2020**

NARESH Petitioner
Through: Mr. Prashant Diwan and Ms. Mishikia
Vig, Advocates.
Versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Dr. M.P. Singh, APP for State with
ASI Sudheer Kumar, P.S. Bawana.

AND

BAIL APPLN. 1595/2020

ANIL Petitioner
Through: Mr. Prashant Diwan and Ms. Mishikia
Vig, Advocates.
Versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Dr. M.P. Singh, APP for State with
ASI Sudheer Kumar, P.S. Bawana.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
14.07.2020

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1. By the above noted applications filed under Section 439 Cr.P.C., the petitioners seek regular bail in FIR No. 348/2020 under Sections 308/341/427/34 IPC registered at P.S. Bawana.
2. Learned counsel for the petitioners submits that the complainant was

the perpetrators as he along with others came to the house of the present petitioners on the night of 02.06.2020 and started abusing the petitioners and their family. When the petitioner came out, they saw that the complainant Robin along with his co-accused Rahul and Johny was standing outside their house. Rahul fired a shot which hit Anil on his abdomen and scraped past. He submits that the present FIR has been lodged subsequent to the FIR No. 347/2020 lodged by the present petitioners against the complainant and his co-accused registered under Sections 324/341/336/506/34 and Sections 25/27/54 of the Arms Act. Later on, Section 307 IPC was added in the aforesaid FIR.

3. Learned counsel for the petitioners further submits that even as per the allegations, the petitioners hit with *danda* sticks and the co-accused i.e., their mother, who is accused of causing injuries with a sharp pointed object, has already been granted benefit of anticipatory bail. It is also submitted that in the FIR No. 347/2020 lodged on behalf of Anil, accused Johny has been released on anticipatory bail and accused Rahul has been released on interim bail for a period of 45 days. Learned counsel for the petitioners submits that there is a civil case pending between the parties on account of a land dispute. Lastly, it is submitted that both the petitioners are in custody since 02.06.2020 and are not involved in any other case.

4. Dr. M.P. Singh, learned APP for the State, on the other hand, has vehemently opposed the bail applications. It is contended that in the scuffle, the injured-Rahul suffered injuries on his skull measuring 10cm x 1cm, 5cm x 1cm, 3cm x 1cm x 0.5cm however, the result on the MLC is yet to be obtained. Learned APP, on instructions, confirms that the accused are not involved in any other case.

5. Looking into the facts and circumstances of this case and the fact that the petitioners are in custody since 02.06.2020, the petitioners are admitted to bail subject to their furnishing a personal bond in the sum of Rs.25,000/- each with one surety each in the like amount to the satisfaction of the Jail Superintendent/Duty M.M./concerned Court and subject to the following conditions:-

1. *The petitioners shall keep their mobile phone numbers (Naresh-9911342513 and Anil-9873627818) operational at all times during the pendency of the trial.*
2. *The petitioners shall not directly or indirectly approach the prosecution witness or tamper with the evidence.*
3. *The petitioners shall remain in touch with ASI Sudheer Kumar (Mob.9810940078)/SHO (Mob.7065036321) of P.S. Bawana and shall appear before ASI Sudheer Kumar/SHO on every Monday till the filing of the charge sheet.*
4. *The petitioners shall regularly appear before the trial court.*

6. Both the applications are disposed of in the above terms.

7. A soft copy of the order be communicated to the concerned Jail Superintendent.

MANOJ KUMAR OHRI, J

JULY 14, 2020

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