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

+ **BAIL APPLN. 1742/2020**

HIMANSHU TYAGI@HANNI

..... Petitioner

Through Mr Brij Ballabh Tiwari, Advocate.

versus

STATE (GOVT. OF DELHI)

..... Respondent

Through Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2020

[Hearing held through videoconferencing]

1. The petitioner has filed the present petition, *inter alia*, praying for interim bail for a period of six weeks in FIR No. 353/2017 under Sections 307/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959 registered with PS Mundka.

2. The status report indicates that said FIR was registered on the basis of an information received on 15.12.2017, that a gunshot victim was lying on the Bakkarwala to Hiran Kudna Road. Investigation revealed that the victim was a resident of V.P.O. Fardha, P.S. Naya Bazar Safiabab, Distt. Munger, Bihar and he had developed friendship with Rahul Dabas (JCL) on Facebook. Raul Dabas used to upload stunts on bikes of himself on Facebook. The victim was impressed with Rahul Dabas and contacted him for purchasing a good stunt bike. Rahul Dabas called victim to Delhi and

told him that he would provide a stolen bike at a cheap rate. The victim came to Delhi and met Rahul Dabas and his friend Hunny @ Himanshu Tyagi (the petitioner). They promised to provide a bike and on the day of incident they took complainant on motorcycle on the place of the incident. It is alleged that they snatched the complainant's money and Rahul Dabas shot the victim at the instance of the petitioner. Both the accused were apprehended and at their instance, weapons have been recovered.

3. It is apparent from the record that the role of the petitioner is not as serious as that of co-accused Rahul Dabas who had allegedly shot the victim. The petitioner has no other criminal antecedents and is not involved in any other case. It is pointed out that the petitioner was on interim bail on an earlier occasion and there is no allegation that he has misused the said liberty.

4. In view of the above, this Court considers it apposite to allow the present petition. The petitioner shall be released on interim bail till 31.08.2020 on his furnishing a personal bond in the sum of ₹20,000/- with one surety of the equivalent amount to the satisfaction of the concerned Jail Superintendent/Duty Magistrate.

5. This is subject to the following further conditions:-

- (a) that the petitioner shall provide a contact number and ensure that he is reachable at all times;
- (b) that the petitioner shall proceed directly to his residence in Peli Amroha, Kapsua, Uttar Pradesh and immediately on his arrival report to the concerned local Police Station and shall mark his presence at the police station on the Monday of each calendar week;
- (c) that the petitioner shall surrender immediately on

completion of the period of interim bail;

(d) that the petitioner shall not contact the complainant or any of his family members either directly or indirectly.

5. The petition is allowed in the aforesaid terms.

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

VIBHU BAKHRU, J

JULY 24, 2020

pkv