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

+ BAIL APPLN. 1880/2020
CRL. M.A.9902/2020 (expunction of remarks against counsel/
applicant)

SAHIL Petitioner
Represented by: Mr.Ravindra Narayan, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Represented by: Ms. Meenakshi Chauhan, APP for
State.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
24.08.2020

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The hearing has been conducted through Video Conferencing.

BAIL APPLN. 1880/2020

1. By this petition, the petitioner seeks bail in case FIR No. 249/2020 under Section 307/120B/34 IPC registered at P.S. Seelampur.
2. The above-noted FIR was registered after an information was received which was recorded as DD No. 5A on 1st July, 2020 that an injured was brought to JPC Hospital and has been referred to RML Hospital. The injured was found to be Shakil and as per his MLC, it was stated 'history of physical assault by known people at around 11.30 pm on 30th June, 2020 at Seelampur'. At the spot, no eye witness was found, however, when the police officer again went to RML Hospital, he found Tarif, brother of the

injured who stated that he had witnessed the incident and that on 30th June, 2020 at around 11 pm -12 am, he was taking night walk with his brother Shakil, one boy namely Bilal, a neighbor came and said '*tu jyada samjhdaar banta hai*' and stabbed his brother Shakil with knife. He tried to catch hold of Bilal but failed. He also stated that his brother had a fight with Bilal 2-3 days prior to the incident. Tarif with the help of his brother Arif and Sonu had taken the injured Shakil to JPC hospital and thereafter, to RML Hospital. Bilal was arrested on the same day who made a disclosure that the offence was committed in conspiracy with Sahil, who made a plan with Bilal because of their old enmity and Sahil gave him a knife and was standing at a distance from the place of incident. On the basis of the said statement, Section 120-B IPC was added to the offence and the petitioner was arrested.

3. Case of the prosecution is that on 2nd July, 2020 when the petitioner was arrested, at his instance, a blood stained knife was recovered which has since been sent to the FSL. The nature of injury opined to Shakil is 'grievous', however, Shakil has been discharged from the hospital. There is no other involvement of the petitioner.

4. Considering that the injured has since been discharged from the hospital; there is no other involvement of the petitioner; neither the eye witness nor the injured mention having seen the petitioner at the spot except that it has come in the disclosure statement of co-accused regarding the petitioner's role and the recovery of the knife, at this stage, this Court deems it fit to grant bail to the petitioner.

5. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of

the like amount to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further subject to the condition that the petitioner and his surety will furnish their mobile numbers to the Court concerned as also the SHO concerned, which will be kept in active mode during the pendency of the trial so that as and when required, the petitioner can be contacted.

6. Petition is disposed of.

CRL. M.A.9902/2020 (expunction of remarks against counsel/ applicant)

1. By this application, the petitioner seeks expunging the remarks passed by the learned Additional Sessions Judge against the learned counsel, whereby, the learned Additional Sessions Judge vide order dated 17th July, 2020 has stated that the learned counsel for the accused has sought to mislead the Court by making false submission.

2. There is no reasoning given on the basis of which the Court came to the conclusion that the submission made by the learned counsel for the petitioner was false. According to learned counsel for the petitioner the said finding was noted by the learned Trial Court because the application seeking urgency stated that the father of the applicant had been diagnosed with Covid-19 and is admitted in Batra Hospital and there is no-one else to look after the other members of the family.

3. Learned counsel for the petitioner submits that in the entire petition before the learned Trial Court, no-where was this fact mentioned and in the urgent application filed, it got mentioned because of the inadvertent copying from the other petition. He tenders his apology for this error.

4. Considering the fact that this was an inadvertent error and the learned counsel has tendered the apology, the observation of the learned Additional

Sessions Judge in the order dated 17th July, 2020 to the extent that the learned counsel sought to mislead the Court, is expunged.

5. Application is disposed of.
6. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 24, 2020
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