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

+ **BAIL APPLN. 2018/2020**

KARTAR Petitioner

Through: Mr. Anuj Arora, Advocate.

versus

STATERespondent

Through: Mr. G.M. Farooqui, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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04.08.2020

The hearing was conducted through video conferencing.

CRL.M.A. 10351/2020 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed-off.

CRL.M.A. 10352/2020 & CRL.M.A. 10354/2020 (Exemption from filing attested affidavit and court fee)

3. Exemption allowed, subject to the condition that the petitioner will file the duly sworn/attested affidavit and the requisite court fee within 72 hours from the date of resumption of the regular functioning of this Court.
4. The applications stand disposed-off.

BAIL APPLN. 2018/2020

5. The applicant/petitioner seeks anticipatory bail. He has been accused in case FIR No. 569/2020 registered under sections 307/188/34 IPC at Police Station – Sultan Puri. The learned counsel for the petitioner submits that the other two co-accused persons have already been

released on bail, one of whom, namely, Mukesh alias Putti, was granted bail by this Court's order dated 08.07.2020 in Bail Appln. 1295/2020. The said order reads, *inter alia*, as under:

“ ...

2. *The petitioner seeks regular bail in case FIR No.569/2020 under Sections 307/188/34 of the Indian Penal Code ('IPC') registered at Police Station Sultanpuri, New Delhi.*

3. *The learned counsel for the petitioner submits that no case under section 307 IPC is made out against the petitioner because the FIR itself records that the assault was committed with a knife on the backside of the thighs of the complainant. Therefore, this cannot possibly be considered as a murderous assault. Furthermore, it is argued that the injuries on the person of the complainant are simple in nature, this fact is not disputed by the State. However, the learned APP contends that the petitioner has prior involvements in 22 cases. The petitioner promptly refutes the statement as erroneous in fact because the list of the cases enumerated in the Status Report includes FIRs, which do not even pertain to the petitioner and were filed against some other persons; and that they all are under s.379 IPC i.e. alleging theft. It is argued that they are stock convenient allegation the police. There is no conviction. The petitioner further contends that prior to incident alleged in the current FIR, the complainant had grievously assaulted the petitioner; regarding which the latter has lodged a complaint at the same police station but it is yet to be converted into a FIR; that the present FIR is more in the nature of a counterattack on the petitioner. The petitioner has roots in society and his address in Delhi is not doubted. The investigation is over.*

4. *In the circumstances, the petitioner is granted bail, on his furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Duty MM/Jail Superintendent concerned, subject to*

the following conditions:

... ”

6. The petitioner contends that he is not alleged to have stabbed the victim. This allegation of stabbing is against his co-accused, Mukesh alias Putti, who has already been granted bail. Furthermore, the alleged weapon of offence has been recovered.
7. The petitioner is ready and willing to join investigations, as and when required by the Investigating Officer. In the circumstances, let the petitioner appear before the Investigating Officer on 06.08.2020 through video conferencing or through such other viable electronic mode or in person, if so required. However, because of the prevailing Covid-19 pandemic circumstances, due precautionary measures and medical advisory/protocol shall be adhered to, in order to ensure safety. In the event of arrest, the petitioner shall be released on his furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount, to the satisfaction of the Investigating Officer.
8. The application is disposed-off in the above terms.
9. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case..
10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 04, 2020/RW