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

+ **BAIL APPLN. 2012/2020**

TARUN GABA

..... Petitioner

Through **Mr.Rajat Sang, Adv.**

versus

STATE OF NCT OF DELHI

..... Respondent

Through **Mr.Izhar Ahmad, APP for State.**
Parveen Kumar IO of the case.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **14.08.2020**

The hearing has been conducted through video conferencing.

1. Present petition has been filed under section 438 Cr.P.C. for grant of anticipatory bail on behalf of the petitioner in FIR No.788/2018 registered at Police Station Uttam Nagar for the offences punishable under sections 307/336/34 IPC and section 27 of Arms Act.
2. It is not in dispute that FIR was registered on 22.08.2018 and however, on 11.08.2020, a notice was issued to the petitioner to join investigation after a lapse of 2 years and pursuant to the directions passed by this Court on 31.07.2020, petitioner has joined investigation, though learned APP, on instructions, submits that he has not cooperated during investigation.
3. It is pertinent to mention here that this case was handled by SI Anup Rana and during investigation, the CDR of the petitioner on the date of alleged incident has not been recovered.
4. Thus, in my considered view, at this stage, after two years of lodging

the FIR, the custodial interrogation of the petitioner is not required.

5. In view of the above facts, I am of the view that the present petition is a fit case for grant of anticipatory bail. Accordingly, the SHO/Arresting Officer/IO concerned is hereby directed that in the event of arrest, the petitioner shall be released on bail on his furnishing a personal bond of Rs.25,000/-.

6. The petitioner shall join investigation as and when called by the IO and shall not influence the witnesses and tamper with the evidence.

7. The petition is, accordingly, allowed and disposed of.

8. Pending application also stands disposed of.

9. Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

AUGUST 14, 2020/ab