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

+ **BAIL APPLN. 2058/2020**

SHOAB @ JUMMAN

..... Petitioner

Through Mr H.S. Saini, Advocate.

versus

THE STATE

..... Respondent

Through: Mr Amit Gupta, APP for State with
Insp. Hariwansh Singh, SHO PS
Mahendra Park.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.08.2020

[Hearing held through videoconferencing]

CRL. M.A. 10507/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 2058/2020

3. The petitioner has filed the present petition, *inter alia*, seeking interim bail for a period of forty-five days in FIR No. 498/2018 under Sections 302/34 of the IPC registered with PS Mahendra Park (North West District) in order to attend the marriage ceremony of his sister.
4. The said FIR was registered in relation to an incident where one Bunty @ Prag (hereafter 'the deceased') had succumbed to the injuries inflicted on him. It is alleged that he was stabbed on his chest by accused

Ankit @ Golu. It was reported that the deceased along with one Rohit and Rehman had gone to take food from a hotel and when he reached in front of House No. 967, J-Block, Jahangir Puri, he was accosted by the petitioner. The petitioner did so because one year prior to that date, the deceased had slapped him. It is alleged that the petitioner along with his other accomplices, namely, Kuldeep @ Kulli and Ankit @ Golu caught hold of the deceased and accused Ankit @ Golu stabbed the deceased on his chest with a knife. The deceased was rushed to the hospital.

5. It is the prosecution's case that the brother of the deceased (Praveen) was with him while he was being taken to the hospital. He has been examined as PW 5. He has testified the deceased had told him that Kuldeep @ Kulli had caught hold of his hair and the accused Ankit @ Golu had inflicted knife injuries. The evidence of one other witness, namely, Rohit has also been recorded. He was examined as PW 4. He has testified that accused Kuldeep @ Kulli caught hold of the hair of the deceased and accused Ankit @ Golu had taken out a knife and inflicted stab injury on the chest of the deceased. He further testified that the petitioner was standing at a distance of five steps away.

6. The evidence in the present case is yet to be considered evaluated, however, it does appear that the petitioner's role in the incident is not identical to the role of accused Ankit @ Golu and accused Kuldeep @ Kulli, who had allegedly physically assaulted the deceased.

7. The petitioner has been in custody for approximately one-and-a-half-years.

8. Considering the above, this court considers it apposite to allow the present petition. The petitioner be released on interim bail till 31.08.2020 subject to his furnishing a personal bond in the sum of ₹20,000/- with his maternal uncle (in whose residence the petitioner states he would reside if released) standing as surety to the extent of the like amount, to the satisfaction of the concerned Jail Superintendent/Duty Magistrate/Trial Court. This is also subject to the following further conditions:-

- a) the petitioner shall reside at his maternal uncle's house during the interim bail period;
- b) the petitioner shall provide a contact number and ensure that he is reachable on it at all times;
- c) the petitioner shall not leave the National Capital Territory of Delhi;
- d) the petitioner shall not contact either directly or indirectly, the family of the victim or any of the witnesses; and
- f) the petitioner shall report to the concerned police station (PS Mahender Pal) on each Monday and Thursday of the calendar week.

9. The petition is disposed of with the aforesaid observations.

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

VIBHU BAKHRU, J

AUGUST 07, 2020

pkv