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

+ **BAIL APPLN. 2156/2020**

ARJUN @ LALA

..... Petitioner

Through: Mr. Siddharth Kapoor, Advocate

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: Dr. M.P. Singh, APP for State with
Inspector Sanjay Dahiya, P.S. Prashant Vihar
(Mobile No. 8750870275)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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14.09.2020

1. The present bail application has been filed on behalf of the petitioner seeking regular bail in FIR No. 330/2019 registered under Section 304 IPC at Police Station Prashant Vihar, Delhi.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 18.11.2019. He submits that a bare reading of the FIR would show that the altercations started when the petitioner demanded a cigarette from the complainant and when the complainant refused, an altercation took place in which, the petitioner hit *Vinay* on his face with a fist blow, resulting in his death. He further submits that even as per the statements of the eye witnesses, the injury was caused by a fist blow. He thus submits that it was not a premeditated attack and the injury was caused

by an accidental blow landing on the face/head of the deceased. Lastly, it was submitted that the petitioner is not involved in any other case and that the charge-sheet has been filed.

3. Learned APP for the State, on the other hand, has opposed the bail application and submits that on account of fist blow given by the petitioner, *Vinay* had expired. However, on instructions, he submits that the petitioner is not found involved in any other case and the permanent address of the petitioner has been verified.

4. As per the Status Report, the complainant alongwith his brothers *Ujjawal* and *Vinay* (the deceased) were standing on a footpath when the petitioner, allegedly a drug addict, asked the complainant who was known to him for a cigarette. On refusal, a quarrel erupted between the two and when *Vinay* tried to intervene, the petitioner hit him with a fist blow. In other words, the blow was given when the complainant and the petitioner were already fighting with each other and the deceased tried to separate the two. Even as per the statement of one *Arvind*, the eye witness, the injury resulted on account of solitary blow. On a *prima facie* view of the matter and keeping in view the totality of the facts and circumstances of the case the petitioner is admitted to bail on his furnishing a personal bond in the sum of 25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM/concerned Court and subject to the following conditions:-

- (i) The petitioner shall not get in touch with the complainant or any prosecution witnesses directly or indirectly and shall not make any effort to tamper with the evidence.

- (ii) The petitioner shall remain available on his mobile number i.e., 8178675922 which he undertakes to keep operational during the period of trial.
- (iii) In case of change of contact details/ residential address, the petitioner shall promptly inform the same to the I.O. as well as the concerned Court.
- (iv) The petitioner shall not leave the NCT of Delhi without prior permission of the concerned Court.
- (v) The petitioner shall regularly appear before the Trial Court.

5. With the above directions, the bail application is disposed of. However, nothing stated hereinabove shall be construed as an expression on the merits of the prosecution case. The view is *prima facie* only for the purpose of deciding the bail application.

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

MANOJ KUMAR OHRI, J

SEPTEMBER 14, 2020

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