

\$~11

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

+ **BAIL APPLN. 2317/2020**

NANAK CHAND ALIAS AJAY

..... Petitioner

Through: Mr Islam Alvi, Advocate.

versus

STATE (G.N.C.T. OF DELHI)

..... Respondent

Through: Mr Amit Gupta, APP for State with
SI Neetu Bisht, PS Vikaspuri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

04.09.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition seeking bail in connection with FIR No.0343/2018 under Sections 307/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959 registered with PS Vikas Puri.
2. The present petition was listed on 25.08.2020 and at the outset the learned counsel appearing for the petitioner had restricted the present petition to seek interim bail, as is prayed in the alternative.
3. The petitioner seeks interim bail on the ground that his wife is ailing from acute hepatitis and requires to be treated. The petitioner has also filed medical documents in support of this contention that his wife is ailing.
4. The status report indicates that inquiries were made regarding the medical documents furnished by the petitioner. It has been explained that the

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 04.09.2020
23:04:43

concerned doctor made his diagnosis of viral hepatitis on 15.06.2020, based on the symptoms as informed by the patient (the petitioner's wife). No test has been conducted to confirm the same. It has also been reported that the petitioner's wife did not follow up with the concerned doctor, thereafter.

5. Mr Gupta, the learned APP submitted that the complainant, who is also an eye witness, has turned hostile and has declined to identify the accused. He submits that in the circumstances, the evidence of the victim is important and since the victim has not been examined as yet, interim bail ought not to be granted at this stage.

6. It is also seen that the petitioner had been released on interim bail in January, 2020 on the ground of marriage of his daughter.

7. In view of the above, the contention that there is no one to look after the petitioner's wife is also unpersuasive. The petitioner's daughter and his son-in-law can ensure that proper medical treatment is provided to the petitioner's wife.

8. In view of the above, this Court does not consider it apposite to accede to the prayer made by the petitioner. However, the Trial Court is directed to ensure that the victim is examined as expeditiously as possible. This Court is informed that the next date of hearing is fixed on 11.09.2020. The Trial Court shall make an endeavour to complete the examination of the victim on that date and if that is not feasible shortly thereafter. The respondents are also directed to ensure that the victim is available for examination before the Trial Court on the given date(s).

9. The petitioner is at liberty to apply afresh after the testimony of the complainant has been recorded.

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

VIBHU BAKHRU, J

SEPTEMBER 04, 2020
MK

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 04/09/2020
23:04:43

