

\$~15

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

+ **BAIL APPLN. 2392/2020**

HARINDER RAWAT

..... Petitioner

Through Mr. Arjun Singh, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Mr. Jitendra Jain, SPP

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

%

10.09.2020

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of bail in FIR No.137/2020, for offences punishable under Sections 147/148/149/435/436/34 IPC, registered at PS Khajuri Khas, Delhi.
2. The present petition has been filed on parity of the petitioner with co-accused Rohit Saxena and Ashutosh Singh who have already been released on bail pursuant to orders dated 26.05.2020 and 09.06.2020, respectively.
3. On perusal of the said orders, the Trial Court recorded the submissions of IO that there is no other evidence except the statement of Harinder. Accordingly, the Trial Court granted bail to the co-accused.
4. Learned counsel for petitioner has drawn attention of this Court to the photographs which the prosecuting agency placed on record in the charge-

sheet whereby it is established that co-accused Rohit Saxena and Ashutosh Singh were seen in the CCTV footage and videos having dandas in their hands and they actively participated in the incident whereas the petitioner was only rambling around having no arms in his hands. Thus, the case of the petitioner is on a better footing.

5. Learned SPP for the State has informed this Court that due to the wrong submissions made by the IO of the case, the Department has taken action against him and suspended him recently. Learned SPP further submits that the prosecution has decided to challenge the bail order of co-accused Rohit Saxena and Ashutosh Singh.

6. Since, the petitioner is seen in the CCTV footage in unlawful assembly despite enforcement of Section 144 IPC and the fact that co-accused Rohit Saxena and Ashutosh Singh have been granted bail on the basis of wrong submissions made by the IO, therefore, I am of the view that the present case is not fit for grant of bail.

7. Accordingly, the present petition is dismissed.

8. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 10, 2020/rk