

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

Date of decision: 17th MAY, 2021

IN THE MATTER OF:

+ **BAIL APPLN. 1142/2021**
NANDAN PURI

..... Petitioner

Through Mr. Hari Shankar, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through Ms. Kusum Dhalla, APP for the State
with SI Ajay Sehrawat, PS Madhu
Vihar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SUBRAMONIUM PRASAD, J.

1. This is a petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.27/2020 dated 09.02.2020 registered at Police Station Madhu Vihar for offence punishable under Sections Section 394, 397, 411 and 34 IPC.

2. Brief facts leading to the present case are as under:

a) On 08.02.2020, SI Ajay Sehrawat and Constable Sonu were on night duty at Police Station Madhu Vihar. While patrolling in the area, near Arya Nagar Apartment, I.P. Extension Delhi-92, they heard a high pitched voice coming from the DDA Park, I.P. Extension. Both the Police personnel went inside the park and saw that people have gathered there. On enquiry it was reported that some

boys have robbed two persons and had stabbed one of them with a knife. Out of the accused persons, one Nandan Puri (petitioner herein) was caught by the public on the spot while the other accused persons fled from the spot. The injured was taken to the Max Hospital. The statement of the brother of the victim, Ashish Kumar/complainant herein, was recorded wherein he stated that he and his brother were returning home after having walk when a few persons pushed his brother's shoulder and slapped him. It is stated that when they resisted, the accused persons started beating them and snatched the complainant's Bluetooth device. One of the accused, who was wearing a white jacket, took out a big knife and assaulted the victim. It is stated that the mobile phone of the victim was also snatched. It is further stated that when the accused persons started to escape the complainant ran after them and he apprehended one of them and over-powered him. The person who was caught is the petitioner herein.

- b) On the complaint of the brother of the victim FIR No.27/2020 dated 09.02.2020 was registered at Police Station Madhu Vihar for offence punishable under Sections Section 394, 397 and 34 IPC.
- c) Opinion on the MLC of the victim was obtained wherein the doctor opined the nature of injury as "simple (non-grievous)".
- d) During investigation, at the instance of the petitioner herein, the other co-accused namely Gaurav @ Golu and Abhishek Rawat @

Abhi Rawat were arrested. One of the accused namely Sachin Dedha @ Sunny Dedha could not be traced and has been declared proclaimed offender vide order dated 10.11.2020.

e) Charge-sheet dated 07.04.2020 has been filed and charges under Sections 394, 397, 411 and 34 IPC have been framed against all the petitioners.

f) The petitioner filed an application for bail being Bail Application No.439/2020 which was dismissed by the learned Additional Session Judge-03, Shahdara District vide order dated 18.02.2020.

g) The petitioner was granted interim bail on 06.03.2020 by the learned Additional Session Judge-03, Shahdara District, on the ground that the petitioner had to appear for his class 12th Examination and the petitioner had surrendered on 12.03.2021.

h) The petitioner filed an application for bail being SC No.176/2020, before the Additional Session Judge which was dismissed vide order dated 16.03.2021.

i) The petitioner has filed the present bail application stating that the investigation is complete and the petitioner is a young man of about 19 years. He is studying in 12th Class, which he is pursuing from National Institute of Open Schooling (NIOS) and he had his exam in four subjects. He has passed in all the four papers in which he appeared. The remaining examinations would be conducted in the

month of June/July. It is also stated that the petitioner is also pursuing ITI course from NIVS Institute at Mukundpur which had started the course from March, 2021. He states that regular attendance is mandatory and therefore the petitioner be granted bail so that he can pursue his ITI course and also take remaining papers of 12th standard examination.

3. Notice was issued on 06.04.2021 and a Status Report was called for to ascertain the facts stated in the petition. The Status Report has been filed and it indicates that the petitioner had taken examination for four papers of his 12th standard from NIOS and he has passed in all the four papers. The Status Report also indicates that the date sheet for examination of remaining papers, which are to be held in June/July is yet to be uploaded by the NIOS. The Status Report further indicates that the petitioner has got admission in ITI course at NIVS Institute at Mukundpur, Delhi-84, for electrical trade in August, 2019 but he has only deposited fees for three months and thereafter he has neither deposited the remaining fee nor he has appeared in the examination. It is also stated in the Status Report that owing to the COVID-19 pandemic there are no physical classes and only online studies are imparted to the students of ITI by the NIVS Institute.

4. Mr. Hari Shankar, the learned counsel for the petitioner states that all the facts stated in the petition have been found to be correct and the petitioner has to appear for his 12th standard examination. He therefore prays that the petitioner be granted bail so that he can pursue his studies.

5. *Per contra*, Ms. Kusum Dhalla, learned APP for the State submits that the petitioner was apprehended on the spot after he committed robbery and therefore no leniency should be shown to the petitioner.

6. Heard Mr. Hari Shankar, learned counsel for the petitioner and Ms. Kusum Dhalla, learned APP for the State and perused the material on record.

7. The Status Report does indicate that the petitioner is pursuing 12th standard from NIOS and he has cleared four papers. This Court is of the opinion that the petitioner must be encouraged to complete his 12th standard and get ahead in life. The petitioner can also pursue the ITI course which he has started and take his classes online. This Court is therefore inclined to grant interim bail to the petitioner for 90 days from the date of his release on the following conditions:

- a) The petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety of the like amount, who should be a relative of the petitioner, to the satisfaction of the Trial Court/Duty Magistrate.
- b) The petitioner is directed not to leave the NCT of Delhi without the prior permission of the Court.
- c) The petitioner shall report to the concerned Police Station once every week.

- d) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
 - e) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
 - f) The petitioner shall not, directly or indirectly, tamper with evidence or try to influence the witnesses.
 - g) The petitioner is directed to surrender on the expiry of the interim bail before the concerned Jail Superintendent.
8. Be it noted that the observations made in this order are only for grant of interim bail and not on the merits of the case.
9. The bail application is disposed of in the abovementioned terms.
10. Let a copy of the order be transmitted to the concerned Jail Superintendent.

SUBRAMONIUM PRASAD, J.

MAY 17, 2021

Rahul