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

Reserved on: November 04, 2022

Decided on: November 15, 2022

+ **BAIL APPLN. 2912/2022**

SACHIN @ JHONY

..... Petitioner

Through: Dr. Sarabjit Sharma,
Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Raghuvinder Varma, APP
for State with SI Jitender
Kumar, P.S. Sonia Vihar.

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CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT

1. The present bail application is filed under section 439 Cr.P.C. on behalf of the petitioner/Sachin @ Jhony in FIR bearing no.268/2019 registered under sections 307/506/363/34 IPC at P.S. Sonia Vihar, Delhi.

2. The perusal of FIR bearing no.268/2019 reflects that it was got registered on the basis of complaint made by Preeti whererin it was stated that she got married in the year 2009 but due to matrimonial differences she has already filed divorce case against her husband.

Preeti was residing at the house bearing no. G-3/30, Gali No.15, 4 ½ Pusta Sonia Vihar, Delhi alongwith her daughter and a boy namely, Sonu i.e. the deceased also used to live in the said colony in Gali No.18, Sonia Vihar and was running a medical store in front of Hardan Public School. The accused who are the mother, father and brother of the said Preeti used to live at Village Tatiri, Jila Bagpat, U.P. and are farmers farmers by profession. Preeti developed the intimacy with Sonu which was not liked by her family members. On 25.10.2019 at about 07:00 A.M. Bimlesh, mother of Preeti and her two brothers, Sachin and Deepak came to her house and at that time Sonu was also present in the House and they got angry after seeing Sonu in the House of the Preeti and thereafter they gave beatings to Sonu with the iron rods and the stick in their hands who received severe injuries in his hands. The Police was called and the FIR was accordingly registered. After completion of investigation, the charge-sheet was filed under section 302/506/34 and trial is stated to be pending in the Court of Sh. Vinod Kumar Gautam, ACMM, District North East, Karkardooma Courts, Delhi.

3. The counsel for the petitioner argued that the petitioner is in judicial custody since 26.10.2019 and the bail application preferred by the petitioner was dismissed vide order dated 22.08.2022 passed by the Court of Sh. Devender Kumar, ASJ, Karkardooma Courts, Delhi. It is further argued that after filing of the charge-sheet PW-1, PW-2 and PW-3 was examined and who have turned hostile and did not support the case of the prosecution. He further argued there is no any other incriminating evidence which can connect the petitioner/applicant with the alleged offence.

4. The respondent/State filed the Status Report wherein stated that the contents as mentioned in the FIR and the investigation conducted by the concerned Investigating Officer. It is stated that the serious allegations are made against the accused/Sachin @ Jhony and accordingly the bail was opposed.

5. The perusal of FIR reflects that initially the FIR was got registered under sections 307/506/363/34 IPC and after completion of investigation, the charge-sheet was filed under sections 302/506/34 IPC.

6. During the trial, the statements of the material witnesses i.e. Preeti as PW-1, Hariom as PW-2 and Raju as PW-3 were recorded who have turned hostile and did not support the case of the prosecution. There is no any other evidence or material collected in the investigation which can connect accused/applicant with the alleged offences. The applicant/accused is stated to be in the judicial custody since 26.10.2019. After considering all facts, the petitioner/accused is admitted on bail on furnishing personal bond in the sum of Rs.30,000/- with two local sureties of the like amount to the satisfaction of the concerned trial Court with the condition that he shall not leave the country without prior permission of the Court and shall not indulge in any criminal activity.

7. The present bail application alongwith pending applications, if any, stands disposed of.

8. Copy of this order be sent to the concerned trial Court for information.

SUDHIR KUMAR JAIN
(JUDGE)

NOVEMBER 15, 2022

j/kg

