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

+ **BAIL APPLN. 1303/2023**

PADAM SINGH

..... Petitioner

Through: Mr. Jitender Singh, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Raghuvender Verma, APP for
State and Insp. Pushpender, PS
Kotwali.

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Date of Decision: 21.04.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present application has been moved for grant of bail in case FIR No.55/2018 registered under section 307 IPC at PS Kotwali.
2. Learned counsel for Applicant submits that the accused is in custody since 15.02.2018.
3. The facts in brief are that the FIR was lodged on the statement of Bhagwan Das/complainant wherein he alleged that he resides alongwith the Applicant on a pavement and used to do drugs together. It has been alleged that on the day of incident also the Applicant pressurised the victim to provide liquor and on his refusal, petitioner allegedly stabbed him.
4. After investigation the charge-sheet was filed. The statement of

complainant has been recorded before the learned Trial Court. In his statement PW-7 has stated that on the day of incident he had consumed liquor and was standing at Company Bagh, Chandni Chowk and while he was under the influence of liquor he was stabbed on the right side of his chest and right arm.

5. Injured has stated that when the incident happened he was in a drunken condition and the assailant is unknown to him as he had not seen him prior to the incident. The witness was declared hostile. In the cross-examination by the learned APP also the injured did not identify the Applicant.

6. Learner APP has opposed the bail application on the ground that the Applicant is a vagabond and if he is released on bail, he will not attend the trial.

7. I have considered the submissions, learned Sessions Court has also predominantly refused the bail on the ground that he did not surrender after being released on interim bail.

8. Learned Trial Court has also taken note of the blood stains on the T-shirt of the applicant. However, without going into the merits of the case and that the learned Trial Court is yet to appreciate the evidence.

9. In totality taking into account of the fact that the petitioner is in custody since 15.12.2018 and the complainant has already been examined. Applicant is admitted to bail on furnishing a personal bond of Rs. 10,000/- with a surety of the like amount to the satisfaction of the Ld. Trial Court, subject to the following conditions:

(a) Applicant shall report to the IO twice in a week on Tuesday and Friday at 04:30 PM at PS Kotwali.

- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (c) The Applicant shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- (d) The Applicant shall drop a PIN on the Google map to ensure that his location is available to the Investigating Officer; and
- (e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/Court concerned by way of an affidavit.

DINESH KUMAR SHARMA, J

APRIL 21, 2023/AR

