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

+ **BAIL APPLN. 475/2023 & CRL.M.(BAIL) 217/2023**

MANISH KUMAR

..... Petitioner

Through: Mr. Puneet Mittal, Sr. Advocate with
Mr. Pushpendra Singh, Mr. Ankit
Kumar & Ms. Sakshi Mehendiratta,
Advocates.

versus

STATE

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with SI Pankaj Kumar PS
Bhajanpura, Delhi.
Mr. Naginder Benipalk, Mr. Ankit
Siwach, Mr. Subhojit Dutta and Mr.
Janit Khatana, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.02.2024

1. By way of present application filed under Section 439 read with Section 482 Cr.P.C., the applicant seeks regular bail in FIR No. 380/2022 registered under Sections 307/34 IPC and Sections 25/27/54/59 Arms Act at Police Station Bhajanpura, Delhi.
2. Mr. Puneet Mittal, learned Senior Advocate for the applicant submits that the applicant was taken into custody on 10.05.2022, whereafter he was released on interim bail by this Court vide order dated 02.11.2023 on medical grounds. The applicant has not misused the concession. He states that as per the prosecution case, the instant FIR came to be registered on account of incident, stated to have occurred on 04.05.2022, whereafter two



FIRs came to be registered. He states that the other FIR being FIR No.387/2022 registered under Section 307 IPC and 25/27 of the Arms Act came to be registered at the instance of one *Gaurav Sharma* against the friend of the complainant/injured namely *Amit @ Rahul* who was stated to be accompanying him in the car. It is stated that the sole injured witness in the present case namely *Vishal* has already been examined and that only police witnesses remain to be examined.

3. Learned APP for the State has opposed the bail application. He states that the injured in the present case had suffered 3 bullet shots and has duly identified the applicant. The weapon of offence has already been recovered at the instance of the present applicant. The ballistic report has also supported the prosecution case. It is stated that the applicant is found involved in two other cases being FIR No. 37/2013 under Sections 186/353/332/393/34 IPC and FIR No. 761/2017 under Sections 323/341/506 IPC registered at PS Bhajanpura.

4. At this stage, learned Senior Advocate for the applicant states, upon instructions, that the applicant has already been released on bail in the aforesaid two cases.

5. Apparently, on 04.05.2022, a cross-firing took place between two rival groups. The applicant fired at the complainant. In retaliation, the complainant's friend namely *Amit* also fired at the applicant but the shot hit a passer-by namely *Gaurav Sharma*. In the other case, *Amit @ Rahul* has been released on regular bail. As noted above, the applicant had remained in custody from 10.05.2022 till 02.11.2023. It is further noted that the injured in the present case has already been examined and that no other eye witness remain to be examined. It is further informed that till date only five out of



the twenty-nine witnesses, including the witnesses cited in the supplementary challan, have been examined.

6. Considering the aforesaid facts and circumstances, the applicant is directed to be released on regular bail on the same terms and conditions as imposed at the time of grant of interim bail on 02.11.2023. However, Condition No. (vi) is modified to the extent that the applicant shall appear at PS Bhajanpura on first and third Sunday of every month at 4 PM.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

FEBRUARY 5, 2024/rd