



\$~10

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

+ **BAIL APPLN. 528/2024**

SHAHRUKH@PAINTER

.....Petitioner

Through: Mr. Anurag Singh and Mr. Anand
Kataria, Advs.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP
SI Sachin, ASI Mahal, PS Khajuri
Khas

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

08.07.2024

%

1. Petitioner seeks bail in FIR No.631/2021, dated 18.09.2021, registered at Police Station Khajuri Khas for offences under Sections 302, 323, 341, 506, 34 IPC.

2. A perusal of the FIR shows that on 18.09.2021 information was received from JPC Hospital that one person has been brought dead to the hospital. On receiving the hospital ASI BD Sharma and Constable Amit reached the JPC Hospital where he was informed that one person namely, Prakash@Nairam Damai was found brought dead vide MLC No.12917/2021 with history of physical assault. It is stated that another person namely Karan, son of the deceased, was also found to have been injured vide MLC No.12918/2021. It is stated that ASI BD Sharma collected both the MLCs and prepared the documents. It is stated that at the instance of secret

BAIL APPLN. 528/2024

Page 1 of 4



information and identification of Constable Hawa Singh, two persons namely, Amarjeet @ Bhajji and the Petitioner herein were apprehended near Khajuri Flyover and they were examined at JPC Hospital and were brought to the Police Station where the accused were identified by the son of the deceased and the instant FIR was registered. In his statement the Complainant/Son of the deceased stated that at about 11.30 pm, when complainant and his father were returning home after depositing their Rehdi in Garage at Kachchi Khajuri, the accused Amarjeet and the Petitioner herein were already there. It is stated that the accused started abusing them and on opposing they started beating the complainant and his father with intention to kill. It is stated that the Complainant and deceased also battled against accused persons with the help of a small Danda which was being carried by deceased for protection against street dogs. It is stated that during the scuffle, the accused persons also got injuries which are evident in their first MLCs. It is further stated in the Statement that some other associates of accused persons also came there. It is stated that the Petitioner herein snatched the Danda from complainant and started beating him. It is stated that the said Danda used in commission of offence had broken into pieces at the place of incident itself being weak. It is stated that the Amarjeet hit the deceased against the wall and then threw him on concrete road and then punched heavily on his face several times. It is also stated that the Petitioner herein had also beaten up the deceased with leg and fist blows until the body of deceased stopped responding.

3. A perusal of the statement of the complainant shows that it was primarily a case of quarrel and the victims were beaten up by two accused persons. The Petitioner herein was arrested on 18.09.2021 and is in custody



since then.

4. It is stated by the learned Counsel for the Petitioner that all the public witnesses have been examined. No doubt, the offence committed by the Petitioner is a grave one. However, in the facts of the present case, all the material witnesses have been examined, there is no danger of the evidence being tampered at this juncture. In view of the fact that the Petitioner does not have any serious antecedents against him other than a case involving theft and also the fact that no weapon has been used by the Petitioner at the time of the commission of offence and the incident has occurred pursuant to a quarrel between the parties, this Court is of the opinion that the Petitioner can be enlarged on bail subject to the following conditions:

- i. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- with two sureties in the like amount to the satisfaction of the Trial Court;
- ii. The petitioner shall not leave NCT of Delhi without the prior permission of the Court;
- iii. The Petitioner shall report to the concerned Police Station on every Wednesday at 10:00 AM and he shall be released in an hour after completing all the formalities;
- iv. The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times;
- v. The petitioner shall not, directly or indirectly, tamper with evidence or try to influence the witnesses in any manner;
- vi. The petitioner is directed to attend all the Court proceedings.
- vii. In case it is established that the petitioner has tried to influence the witnesses or tamper with the evidence, the bail granted to



the petitioner shall stand cancelled forthwith;

5. The Bail Application is disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

JULY 8, 2024

Rahul