



\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 919/2024

ANOOP SINGH AILAS ANUP SINGH Applicant

Through: Adv. Shafiq Khan, Adv.
Vikasdeep Sharma, Adv.
Tanya Sharma, Adv.
Abhishek Salwan, Adv.
Manish Tanwar, Adv.
Mukesh Kumar & Adv.
Ashok Kumar.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Mukesh Kumar, APP
for the State along with
Adv. Sumit Kumar.
SI Ashwani Kr., PS P.
Vihar East.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

16.04.2024

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in FIR No. 648/2023 dated 25.08.2023, registered at Police Station Paschim Vihar East for offence under Sections 308/34 of the Indian Penal Code, 1860.

2. The FIR in the present case was lodged on the statement of Sh. Prakash Kumar/complainant, who alleged that on 23.08.2023 he was beaten by the applicant/accused and his helper namely, Jatin. He further alleged that the applicant hit him on the head with an iron rod. Consequently, the applicant was arrested on 26.08.2023 and has been in judicial custody since then.

BAIL APPLN. 919/2024

Page 1 of 3



3. The learned counsel for the applicant submits that the victim has already been examined by the learned Trial Court. He submits that the applicant has been falsely implicated in the present case which is now corroborated by the statement of the victim recorded by the learned Trial Court on 26.03.2024. He submits that the victim has categorically stated that the applicant had not hit him on his head with iron rod and some unknown person had hit him and fled away from the spot.

4. The chargesheet in the present case has already been filed and the victim has already been examined. The victim has categorically denied that the applicant was the person who had inflicted injuries on him. The applicant is in custody since 26.08.2023. No purpose would be served by keeping the applicant further in custody.

5. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time and the victim himself has not supported the case of prosecution during his examination before the learned Trial Court.

6. Without commenting further on the merits of the present case and keeping in mind the facts and circumstances of the case, I am satisfied that the applicant has made out a *prima facie* case for grant of bail. The applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹20,000 with one surety of the like amount, subject to the



satisfaction of the learned Trial Court/ Duty Metropolitan Magistrate, on the following conditions:

- a. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - b. He shall under no circumstance leave the Country without the permission of the learned Trial Court;
 - c. He shall appear before the learned Trial Court as and when directed;
 - d. He shall, upon his release, provide the address where he would be residing after his release and shall not change the address without informing the Investigating Officer/ SHO concerned; and
 - e. He shall, upon his release, provide his mobile number to the Investigating Officer/ SHO concerned, and shall keep it switched on at all times.
7. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
8. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and not be taken as an expression of opinion on the merits of the case.
9. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

APRIL 16, 2024

"SK"

BAIL APPLN. 919/2024

Page 3 of 3