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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 1521/2024

JOGINDER @ FAUJI

.....Petitioner

Through: Mr. Atul Sharma and Ms. Ridisha
Sharma, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Pankaj Kumar, PS Jyoti
Nagar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.10.2024

1. By way of present bail application, the applicant seeks regular bail in FIR No. 0180/2023 registered under Sections 323/341/307/34 IPC and Sections 25/27/54/59 Arms Act, 1959, at Police Station Jyoti Nagar, Delhi.
2. Learned counsel for the applicant/petitioner submits that the applicant is in custody since 01.02.2023. It is stated that till date, the complainant has not come forward, and that only one witness has been examined so far. Further, it is stated that as per the prosecution case, the applicant has only fired the gun shot in the air, and no injury was caused to the complainant. Lastly, it is stated that no weapon is recovered from the applicant. It is also submitted that though the prosecution relies on the CCTV footage but the same does not relate to the applicant as no face is seen.
3. Learned APP for the State, while opposing the bail application, contends that the applicant has mislead this Court by not disclosing that his earlier bail application bearing BAIL APPLN. 3447/2023 came to be dismissed on 12.10.2023 by this Court. It is further stated that the incident



was also captured on the CCTV footage. Learned APP also states that the applicant is involved in three other cases of a similar nature. He further submits that an empty cartridge was recovered from the spot of the incident and that the FSL result is still pending.

4. I have heard learned counsels for the parties and have perused the material on record.

5. Indeed, the earlier bail application came to be dismissed on 12.10.2023 and the said fact should have been disclosed in the present bail application. At the same time, this Court takes into consideration that though the charges were framed on 02.08.2023, i.e., prior to the dismissal of the aforesaid bail application, however, till date there is no progress in the trial. It is informed that though the matter has been listed on 7-8 occasions before the Trial Court, the complainant has not come forward, as a result of which, only one witness has been examined till date. Further, the applicant has undergone 22 months of custody and that the weapon of offence has not been seized.

6. Considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.



- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
8. The bail application is disposed of in the above terms.
9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
10. Copy of the order be uploaded on the website forthwith.
11. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applicant and 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

OCTOBER 25, 2024
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