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

+ **BAIL APPLN. 1528/2024**

AMIT

.....Petitioner

Through: Mr. Javed Ali and Mohd. Nabil Khan,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Ravi Poonia, PS Dayal
Pur.
Mr. Rahul Singh, Mr. Sanjay Sharma,
Ms. Neha Maglani, Ms. Anita Juneja,
Mr. Pankaj Kumar, Mr. Nafeej
Chaudhary and Mr. Vikas Chaudhary,
Advs. for complainant.

+ **BAIL APPLN. 1949/2024**

BABU LAL

.....Petitioner

Through: Mr. Pankaj Mendiratta, Mr. Surydev
Kaushik, Ms. Shikha Meena and Mr.
Rajan, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Ravi Poonia, PS Dayal
Pur.
Mr. Rahul Singh, Mr. Sanjay Sharma,
Ms. Neha Maglani, Ms. Anita Juneja,
Mr. Pankaj Kumar, Mr. Nafeej
Chaudhary and Mr. Vikas Chaudhary,
Advs. for complainant.



CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **15.07.2024**

BAIL APPLN. 1528/2024 & BAIL APPLN. 1949/2024

1. Separate applications under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioners for grant of regular bail in FIR No. 675/2023 under Sections 307/34 IPC registered at P.S. Dayal Pur.
2. In brief, as per the case of prosecution, present FIR was registered on statement Rahul (complainant) who alleged that on 31.10.2023 when he confronted Vishal @ Titu regarding his unsocial behaviour, Vishal avoided the matter. However, around 12:30/1:00 am, complainant heard some noise at his gate and saw that Vishal @ Titu was standing with a glass bottle filled with petrol, which he set on fire and threw it towards the complainant. On confrontation, Vishal was joined by his brothers Amit (petitioner in BAIL APPLN. 1528/2024), Anil and his father Babu Lal (petitioner in BAIL APPLN. 1949/2024) and attacked Rahul in the chest with a sharp edged object. However, complainant was able to defend himself and sustained injury in his left shoulder. Co-accused Anil is alleged to have thrown an empty domestic gas cylinder from the roof of his house causing injuries to father of complainant.
3. Learned counsel for the petitioners submit that though in the MLC, gunshot injuries are alleged to have been recorded, but during investigation, no evidence of use of firearms was found. The injured were discharged from the hospital on the same day and the nature of injuries was opined to be simple. It is urged that the petitioners are neighbours of complainant and have



clean past antecedents.

4. On the other hand, learned APP for the State alongwith learned counsel for complainant oppose the applications and submit that though gunshot injuries are not supported by evidence, but the injuries appear to have been inflicted due to the use of alleged petrol bottle. It is pointed out that the incident is recorded in the CCTV camera, which is not relied in chargesheet, but is now being examined as the same has been handed over by the complainant to the investigating agency.

5. Admittedly, petitioners have clean past antecedents and the injured were discharged on the same day of the incident. The nature of injuries sustained has been opined to be simple. Petitioners are in custody since 02.11.2023 and are no more required for purpose of investigation. Considering the totality of facts and circumstances, petitioners are admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- each (Rupees Twenty Five Thousand only) with one surety in the like amount each to the satisfaction of the learned trial court and subject to the following conditions :

- (i) Petitioners shall provide their mobile number to the Investigating Officer (IO)/SHO concerned at the time of release;
- (ii) Petitioners shall not threaten or influence the witnesses in any manner.

Applications are accordingly disposed of.

A copy of this order be sent to the Superintendent Jail and concerned Trial Court for information and compliance.

A copy of this order be kept in connected application.

ANOOP KUMAR MENDIRATTA, J.

JULY 15, 2024/akc