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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1910/2024

ALOK @ PRINCE

.....Petitioner

Through: Mr.Javed Ali, Advocate

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aashneet Singh, APP for State with
SI Sandeep

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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16.07.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.216/2023 registered under Section 307 IPC & Sections 25/27 Arms Act at P.S. DBG Road, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 15.04.2023. He submits that though the prosecution has alleged that the applicant had fired a gunshot which hit his mother-in-law, however, the mother-in-law in her testimony before the Court has not supported the case of the prosecution inasmuch as she has stated that the gunshot came from outside the house. He further submits that even the applicant's wife has been examined who stated that she did not see the incident as she was in the kitchen.
3. Learned APP for the State, on the other hand, has vehemently opposed the bail application. He submits that further examination-in-chief of the witnesses has been deferred. He also submits that there are 3 other previous involvements of the applicant of similar nature. The details of the



same are as follows:-

- i. FIR No.381/2013 registered under Sections 307/341/34 IPC at P.S. Aman Vihar;
- ii. FIR No.30/2019 registered under Sections 323/324/341/34 IPC at P.S. Aman Vihar; and
- iii. FIR No.391/2021 registered under Sections 323/341/506/34 IPC at P.S. Aman Vihar.

4. At this stage, learned counsel for the applicant submits that in FIR No.381/2013, the applicant has been acquitted; in FIR No.30/2019 while the applicant was acquitted for the offence punishable under Sections 323/341/34 IPC and only fine has been imposed for the offence under Section 324 IPC; whereas in FIR No.391/2021 he has been enlarged on bail. In this regard, reference is made to the nominal roll placed on record.

5. Keeping in view the testimonies of the witnesses recorded so far who have not attributed the gunshot injury to the applicant, as also the period already undergone, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty M.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 tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

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

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

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

9. 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

JULY 16, 2024

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