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

\+ BAIL APPLN. 1988/2024, CRL.M.A. 17668/2024

SH. SANJU ..... Petitioner

Through: Mr. Suraj Prakash Sharma, Adv.

versus

THE STATE (N.C.T. OF DELHI) ..... Respondent

Through: Ms. Kiran Bairwa, APP for State with SI Deepak Kumar, PS: Jahangir Puri

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

O R D E R

% 25.06.2024

1. This hearing is being conducted through hybrid mode.

CRL.M.A. 17667/2024

2. Allowed, subject to all just exceptions.

3. The application stands disposed of.

BAIL APPLN. 1988/2024 and CRL.M.A. 17668/2024 (exemption form filing the status report/reply of the Investigating Officer concerned)

4. This is an application seeking regular bailmoved on behalf of the applicant/accused under Section 439 of the Code of Criminal Procedure, 1973.

5. The Status Report is filed today on behalf of the Investigating Officer (IO)/SI Deepak Kumar, which is taken on the record.

6. Ms. Kiran Bairwa, learned Additional Public Prosecutor (APP) for the State is also present on advance notice.

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7. The prosecution case is that the present FIR was recorded on 04.01.2024 on the written complaint by Sagar S/o Mitthan Chand to the effect that he had some previous enmity with Akash @ Akku and Mukesh @ Bhola and when on 04.01.2024 he was present in a park near his house alongwith his friend Nandu, the accused persons, namely Akash @ Akku and Mukesh @ Bhola came to the said place alongwith the other co-accused persons, namely Babu, Kanna, Suri, Sanju, Dehla and Inderpal @ Bhairon. It is alleged that all of a sudden Akash @ Akku, Mukesh @ Bhola, Bhuvnesh @ Kanna and Suraj @ Rishab @ Suri entered the park and attacked him and he was also fired at but escaped unhurt.

8. However, the stray bullet hit one child who was playing in the park. Hence, the present FIR under Section 307/34 of the IPC was registered at PS: Jahangir Puri. It is clarified by the IO that the complainant-Sagar, as such did not suffer any injuries. However, the victim child sustained bullet injuries which were life threatening in nature and has since been discharged from the hospital.

9. It is also pointed out that the accused Akash @ Akku besides co-accused persons namely Bhuvensh @ Kanna and Ritik @ Babu are absconding and accused Mukesh @ Bhola, Suraj @ Rishab @ Suri, Sanju and Dehla have since been arrested.

10. Learned counsel for the petitioner has vehemently urged that except for the applicant/accused Sanju being present at the spot, no role has been attributed to him. If the allegations of the complainant-Sagar s/o Mitthan Chand is believed, it was the main accused persons namely Akash@ Akku, Bhola, Kanna and Suri who had come in the park and attempted to assault and cause harm to him. The applicant/accused is 19 years of age and he is in judicial custody since

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09.01.2024. The investigation is complete and the chargesheet has already been filed. No purpose would be served in keeping the applicant in judicial custody any further. The present application is allowed.

11. The applicant/accused is admitted to bail on his furnishing personal bond of Rs. 25,000/- with one surety in the like amount, subject to the satisfaction of the concerned learned ASJ/Duty MM.

12. A copy of the order be sent to the Superintendant Jail and concerned Trial Court for compliance.

DHARMESH SHARMA
(VACATION JUDGE)

JUNE 25, 2024
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