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

+ **BAIL APPLN. 3457/2023**

BEERU @ VEERU Applicant

Through: Mr. Vineet Jain, Advocate
versus

STATE Respondent

Through: Mr. Utkarsh, APP for the
State with SI Deepak
Sharma, PS Khyala.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **09.01.2024**

1. The present application is filed under Section 439 of Cr.P.C on behalf of applicant / accused seeking regular bail in FIR No.0354/2022, dated 04.04.2022, under Section 307/336/323/34/59 of Indian Penal Code 1860 (IPC) and 25/27/54 Arms Act, at PS Vivek Vihar.
2. The learned counsel for the applicant submits that applicant is in Judicial Custody since 13.12.2022 and the other three co-accused have already been granted bail by orders dated 21.02.2023, 31.07.2023 & 06.08.2022.
3. According to the learned counsel, the chargesheet was filed and the charges have already been framed and there is no recovery at the instance of the applicant. He submits that since all the co-accused have already been enlarged on bail, the applicant is entitled for bail on the ground of parity.
4. The learned counsel for the applicant further also undertakes that the applicant will not indulge into any such activity in future.



5. The learned Additional Public Prosecutor for the State submits that the allegations against the applicant are serious. Applicant took the weapon of offence after the crime was committed.

6. It is relevant to note that the co-accused persons were granted bail by the Courts on different dates. The co-accused Atif was granted bail by this Court by an order dated 21.02.2023.

7. Even though the State has alleged that the role of the applicant is graver than the co-accused persons who were granted bail, the same, however, does not appear to be correct. The allegation against the co-accused person Atif was that he had facilitated the assailant to deliver the knife blow and was holding the victim at the time of blow.

8. This Court granted bail to the co-accused Atif noting that the chargesheet has already been filed and he had already spent about 10 months in the judicial custody. The allegation against the applicant is not that he inflicted the blow on the victim. He was named in the disclosure statement of the co-accused who stated that the applicant had taken the weapon of offence after the crime was committed. It is not denied that the injuries caused to the victim were also simple.

9. Considering that the applicant has spent more than 12 months in custody; is of young age having a long life and career ahead and that three co-accused persons, who were found to be part of the group who inflicted injury on the victims are already on bail, this Court considers it apposite to admit the applicant on bail.

10. The applicant is admitted to bail on furnishing a bail bond for a sum of ₹50,000/- (Rupees Fifty Thousand) with one surety



of the like amount, subject to the satisfaction of learned Trial Court on the following conditions:

- (a) He shall not indulge into any such activity in future;
- (b) He shall not contact the victim in any manner whatsoever;
- (c) He shall join and cooperate with investigations as and when directed;
- (d) He shall appear before the learned Trial Court on every date of hearing;
- (e) He shall upon his release provide his mobile number to the concerned IO/SHO and shall keep the same operational at all times.

11. 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 also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JANUARY 9, 2024
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