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

+ **BAIL APPLN. 3685/2023**

YOGESH SHARMA @ YOGI

..... Petitioner

Through: Mr. Pankaj Tiwari, Mr. Aniket Gupta
and Mr. Saurabh Goel, Advocates

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Rajak, P.S. Sangam
Vihar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

13.02.2024

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1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of regular bail in case FIR bearing no. 843/2022, registered at Police Station Sangam Vihar, Delhi for the offences punishable under Sections 307/34 of the Indian Penal Code, 1860 ('IPC') and Sections 25/27/54/59 of Arms Act.
2. Briefly stated, facts of the present case are that the complainant had lodged a complaint that on 03.12.2022, at around 8:30 PM, 3-4 boys were following him when the complainant was returning back home near Gill Farm, Sangam Vihar, Delhi. The complainant had known one of the co-accused Rohit. When the complainant had asked co-accused the reason for



following him, he had slapped the complainant and had started beating him. At the asking of co-accused the present applicant had taken out pistol and had tried to fire a shot at him but the complaint had managed to escape.

3. Learned counsel for the applicant argues that the applicant is in judicial custody since 19.01.2023 and the other co-accused persons have already been granted bail and the role of the present petitioner is similar to the other co-accused. Therefore, it is prayed that the applicant be granted regular bail on parity.

4. *Per contra*, learned APP for the State informs the Court that a country made pistol and two live cartridges were recovered at the instance of the applicant, the applicant refused to participate in the TIP proceedings, CCTV footage near the spot of incident was collected in which four to five persons were seen leaving the spot and applicant is previously involved in many other criminal cases. In these circumstances, the present petitioner should not be granted bail.

5. This Court has heard arguments addressed by learned counsel for the applicant as well as learned APP for the State and has perused the material available on record.

6. In the present case, the accused is in judicial custody since 19.01.2023. The injury was opined to be simple in nature. It is also stated by the IO who is present in the Court that it was not clear as to whether it was a pistol, in fact in the hand of the present accused/applicant in the CCTV footage, however, it looked something similar to a pistol.

7. Considering the overall facts and circumstances of the case and that the accused/applicant is in custody since 19.01.2023 and the fact that other accused has already been granted bail in other cases which are pending



against him, this Court is inclined to grant regular bail to the petitioner on his furnishing personal bond in the sum of Rs.10,000/- with surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave NCT of Delhi without prior permission of the concerned IO/SHO.
 - ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
 - iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
8. The bail application stands disposed of.
 9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
FEBRUARY 13, 2024/zp

Click here to check corrigendum, if any