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

+ **BAIL APPLN. 2785/2024 & CRL. MA 23296/2024**

DEV UNIYAL

.....Petitioner

Through: Mr. Himanshu Koyarh, Mr. Rahul Khanna and Mr. Shubham Vashishth, Advocates.

versus

STATE GOVT N C T OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with SI Manju Radha and ASI Radhey Kishan PS Timarpur, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

07.08.2024

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1. By way of present application, the petitioner/applicant seeks anticipatory bail in FIR No.0254/2024 registered under Sections 307/506/34 IPC at PS Timarpur, Delhi.
2. Learned counsel for the petitioner/applicant states that the applicant has been falsely implicated in this case as he was not even present at the spot on the day of the incident. He further submits that the role of firing has been attributed to the co-accused, namely, Sagar. He also submits that the applicant is not involved in any other case. He further contends that even as per the prosecution case, the applicant was in a muffled face and as such, he could not have been identified.
3. The application is vehemently opposed by learned APP for State who submits that as per the case of the prosecution, five people came on two motorcycles and that the present applicant was riding in the middle on one of the motorcycle. While referring to the statement of the complainant,



learned APP submits that the complainant had clearly identified the present applicant as the one who was resident of Old Quarter Sanjay Basti, Timarpur, Delhi. It is further submitted that the complainant has clearly stated in his statement that he identifies all the accused persons.

4. I have heard learned counsel for the parties and have also gone through the FIR and the statement of the complainant recorded on 22.04.2024. A plain reading of the statement would clearly show that it is the present applicant who had stopped one Amir @ Guddu from intervening but also gave exhortation to co-accused Sagar, who is alleged to have fired the shots. The presence of the applicant at the spot stands established from the above statement.

5. In view of the above, I find no ground to entertain an application for anticipatory bail. The same is accordingly dismissed along with pending application.

MANOJ KUMAR OHRI, J

AUGUST 7, 2024/*rd*