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

+ **BAIL APPLN. 25/2024**

GUDDU KUMAR

..... Petitioner

Through: Mr. Irshad & Mr. Jaiveer, Advocates.

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Yamini Vats, PS Patel Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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04.01.2024

CRL.M.A. 171/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant application under Section 439 read with 482 of the Code of the Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of regular bail in case FIR bearing no. 329/2020, registered at Police Station Patel Nagar, Delhi for the offences punishable under Sections 307/506/201/102B/34 of the Indian Penal Code, 1860 ('IPC') and Sections 25/27 of Arms Act.
4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of State.
5. Brief facts of the present case are that on 10.07.2020, at about 5:40



PM, when the complainant Mr. Lakshay Nagpal had reached near HDFC Bank East Patel Nagar, two boys had come on a motorcycle and the boy sitting on the rear seat of motorcycle had shot at complainant. As a result, the complainant had suffered a gunshot injury on his right buttock. The complainant was taken to Dr. BLK Hospital, Rajendra Place for treatment where his MLC was prepared and the injury was opined to be grievous in nature. The statement of complainant was recorded wherein it was stated by him that his sister had got married to co-accused Vishal Sharma about 5 years back, but they had got divorced in October, 2019. However, he had been extending threats to kill the complainant and his brother and thus, the complainant had stated that he would have been attacked by co-accused Vishal Sharma. Thereafter, the present FIR was registered for the offences punishable under Sections 307/506/201/120-B/34 of IPC and Section 25/27 of Arms Act. The present applicant was arrested on 14.07.2020.

6. Learned counsel for the present accused/applicant argues that the applicant has been falsely implicated in the present case and he seeks grant of regular bail on the ground of parity. It is stated that the co-accused Vishal Sharma, who was the main conspirator in this case, has already been granted bail by this Court *vide* order dated 12.07.2023. It is stated that applicant has been in judicial custody since 14.07.2020, and he had earlier been released on interim bail as per HPC guidelines and he had not misused the liberty of bail granted to him. Therefore, it is prayed that bail be granted.

7. Learned APP for the State, on the other hand, submits that the allegations against the applicant are serious in nature and the motor-cycle which was used by co-accused persons for committing the offence in question was found registered in the name of present accused/applicant.



However, it is fairly submitted that co-accused Vishal Sharma who was the main conspirator has been enlarged on regular bail already.

8. This Court has heard arguments addressed by learned counsel for the applicant and learned APP for the State, and has perused the material on record.

9. In the present case, the role attributed to the present accused is that the motor-cycle in question which was allegedly used for commission of the offence was registered in his name. However, this Court notes that the incident in the present case is of year 2020, charge-sheet has already been filed, and the applicant has remained in judicial custody for more than two years. As revealed from records, the applicant in the present case was released in May, 2021 pursuant to guidelines issued by High Powered Committee of this Court and he had duly surrendered before the concerned Jail Superintendent on expiry of the same. There are no allegations that the applicant had misused the liberty granted to him when he had been released on interim bail pursuant to HPC guidelines. The main conspirator in the present case i.e. co-accused Vishal Sharma has also been granted regular bail by this Court *vide* order dated 12.07.2023 in BAIL APPLN. 2292/2023.

10. Considering the overall facts and circumstances of the case, the duration of custody, and the fact that the trial will take some time to conclude, this Court is inclined to grant regular bail to the present accused/applicant on his furnishing personal bond of Rs.25,000/- with one 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 directly or indirectly make an attempt to



influence the witnesses or tamper with the evidence in any manner.

- ii. In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
11. Accordingly, the present bail application stands disposed of.
12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 4, 2024/sa

Click here to check corrigendum, if any