

(2023) 08 DEL CK 0194
In the Delhi High Court
Case No : Bail Application No. 1342 Of 2023

Lucky	Vs	APPELLANT
State Of Nct Of Delhi		RESPONDENT

Date of Decision : 23-08-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 186, 307, 336, 353, 506
Arms Act, 1959 — Section 25, 27

Citation : (2023) 08 DEL CK 0194

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Neha Duhaan, Vikram Singh, Hemant Mehla

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

1. Present petition has been filed under section 439 CrPC seeking regular bail in case FIR No. 32/2021 dated 31.03.2021 registered under Sections 186/353/307/34 IPC and Sections 25/27 Arms Act at PS Jaffarpur Kalan.
2. Learned counsel for the petitioner submits that the petitioner/accused is in custody since 31.03.2021.
3. Learned counsel submits that the petitioner has been falsely implicated in the present case. Learned counsel submits that the petitioner has already been acquitted in the murder case bearing FIR No. 25/2021 registered at PS Jaffarpur Kalan. Learned counsel submits that besides this case the petitioner is involved in another case bearing FIR No. 96/21 under Sections 336/506 IPC and Section 27 Arms Act registered at PS Kapashera. Learned counsel submits that the petitioner has already been granted bail in FIR No. 96/21. Learned counsel submits that in the present case no public witness was joined and the case of the prosecution is doubtful and therefore the petitioner may be admitted on bail.

4. Learned APP for the state has opposed the bail application on the ground that the petitioner has past criminal antecedents. Learned APP submits that at the time of the incident the petitioner was traveling along with the co-accused one Dharmender Rana and was found in possession of one Desi Katta, an empty cartridge, and a live cartridge. Learned APP submits that the co-accused even fired upon Inspector Naveen.

5. The court at the stage of bail is not required to appreciate the evidence meticulously and the probative value of a witness is also not required to be seen. It is not disputed that the accused has been acquitted in the murder case bearing FIR No. 25/21 and is also on bail in the other case bearing FIR No. 96/21. Given that the petitioner is in custody since 31.03.2021 and taking into account the totality of the facts and circumstances of the case, the petitioner is admitted to bail on furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions:

- i. The petitioner shall cooperate and appear before the concerned IO as and when directed;
- ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper with the evidence in any manner;
- iii. The petitioner shall disclose their residential address and mobile number to the concerned IO and shall inform him in case of any change of residential address and/or mobile number by way of an affidavit;
- iv. The petitioner shall not leave the country without the permission of the Court;

6. With these directions, the present bail application stands disposed of.

Copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.