

(2023) 05 DEL CK 0176
In the Delhi High Court
Case No : Bail Application No. 1383 Of 2023

Sunil Kumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 25-05-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 307
Code Of Criminal Procedure, 1973 — Section 439
Arms Act, 1959 — Section 25, 54

Citation : (2023) 05 DEL CK 0176

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : P. K. Bhardwaj, Anshu Bhirdwaj, Raghuvinder Verma

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

1. The present petition has been filed under section 439 Cr.P.C seeking grant of regular bail registered at PS Chhawala, Delhi under section 307/34 IPC ON 31.12.2020 bearing FIR No. 1017/2020 Status report has not filed. However, the learned APP for the State has handed over the same before this Court.

2. Let the same be brought on the record.

3. The case set upon by the prosecution as under:

"It is submitted that on dated 31.12.2020, an information vide DD No. 10 A, received at PS and on receipt of the same police staff reached at near Gyan Jyoti Public School, where a Scooty No. DL8SCC08111 colour white found fallen on road and the crowd of people was there and on inquiry it Meanwhile after was found that the injured was taken to hospital. receiving DD No. 11A dated 31.12.2020, IO went to Venkteshwar Hospital Sec 18 Dwarka, where on MLC No. 3141 | 20 injured Balijeet Singh s/o Sh. Ram Kishan R/ o Flat No. 21 Kalkaji Apartment Village Chhawla Delhi , Age 40 yrs was found under treatment, As per

the MLC A / H / O Gun Shoot Injury at around 6:00 AM in Chhawla village as told by patient himself. After that the statement of Injured Sh. Baljeet Singh s/o Ram Kishan R/ o Flat No. 21, Kalkaji Apartment Village - Chhawla, age 40 yrs, P. Add- Village Mandothi Distt Jhajjar (HR), was recorded wherein he alleged that at around 5:45 AM he came out from the main gate of his Flat on his Scooty No. DL8SCC0811 Honda Activa White Colour, When he reached at opposite side of out Flats at Chhawla Najafgarh Road, 2 boys came out, one of them came very close to him ,suddenly a bullet was fired at him with a weapon, and other boy who was standing near MCD Park, due the excessive fog, he could not see his face. He started making loud noise, hearing his voice, the neighbours and his family members came from out of the house to him and the above both boys run away from spot after firing. He was brought to the Venkateshwar Hospital Sec. 18 Dwarka. After that on the above statement, the above mentioned case was registered and taken up for the investigation.

During the investigation of the case, statement of the witness were recorded, site plan of the spot was prepared and on the basis of secret information, the accused persons namely Sunil s/o Prahu Dayal 2. Akshay Kumar @ Golu S/o Sh. Vijay Kumar and 3. Smt. Sunil Devi W / O Baljeet Singh were arrested and one CCL Yogesh Kumar who fired on the complainant was also apprehended in the case and he refused to participate in the TIP proceeding. Further the weapon desi katta and live cartridge were recovered and car used in the crime Maruti Swift Car No. RJ02CF3196 was taken in custody and the Mobile phones of the accused persons were taken into possession. After that recovered weapon sent to FSL for the examination.

After completing the investigation, a charge sheet against the accused persons accused Sunil S/o Sh. Prabhu Dayal, Akshay Kumar @ Golu S / o Sh. Vijay Kumar and Smt Sunil Devi W/o Baljeet Singh U/s 307 / 120B/34 IPC & 25/25/54 Arms Act was submitted before the trial court. NDOH is 03.06.2023."

4. Learned APP for the State submits that MLC report is yet awaited. It has further been submitted that as per investigation, the accused along with other co accused persons paid money to one CCL Yogesh to shot gun fire on the injured.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 31.12.2020. It has further been submitted that there is no other criminal antecedents. It has further been submitted that till date, the investigation is not complete and the charge sheet has not been filed. Learned counsel for petitioner submits that the accused is entitled to be admitted to bail on account of long incarceration.

6. Learned counsel for the petitioner states that co accused Smt. Sunil Devi is already on bail and another accused Akshay is also on interim bail.

7. Taking into account of facts and circumstances of the case, petitioner is admitted to Court bail furnishing personal bond of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned IO/SHO, subject to the

following conditions:

- a) the petitioner shall cooperate and join the investigation as and when directed;
- b) the petitioner shall not leave NCR without prior permission of the concerned Court.
- c) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- d) the petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- f) in case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

8. With the above directions, the present petition stands disposed of.

9. Copy of Order to be given dasti.

10. Let the copy of order also be sent to the concerned jail superintendent for information and compliance.