
(2019) 04 DEL CK 0151
In the Delhi High Court
Case No : Bail Application No. 767 Of 2019

Vishnu

APPELLANT

Vs

State (Govt. Of Nct Of Delhi)

RESPONDENT

Date of Decision : 23-04-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307

Citation : (2019) 04 DEL CK 0151

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Rajkumar Singh, Meenakshi Dahiya

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks regular bail in FIR No. 170/2018, under Section 307/34 IPC P.S. Gandhi Nagar.

2. The allegations in the FIR are that the complainant who is a rickshaw puller was sitting next to a railway track along with the accused/petitioner and others and drinking. It is alleged that during drinking there was a fight and the petitioner is alleged to have started abusing the complainant. Thereafter it is alleged that the petitioner pushed the injured and started beating him on account of which he fell on a cement pillar which is used in railway tracks. It is further alleged that petitioner picked up a stone and attacked on the face and head of the injured on account of which he sustained grievous injuries.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the injured was discharged after 2 days of treatment and as per the allegations in the FIR the incident occurred on account of intoxication and on the spur of the moment without any pre-mediation. He further submits that there is no material to substantiate that petitioner attacked the injured or attacked him with the intention of causing death. He further

submits that the investigation is complete and charge sheet has already been filed and petitioner has been in custody since 12.06.2018. He submits that petitioner is a rickshaw puller and the sole bread earner of his family.

4. Without commenting on the merits of the case and keeping in view the totality of the facts and circumstances of the case and the fact that investigation is complete, charge sheet has been filed and petitioner has been in custody for over nine months, I am of the view that petitioner has made out a case for grant of regular bail.

5. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

6. Petition is allowed in the above terms.

7. Order Dasti under signatures of the Court Master.