

(2020) 09 DEL CK 0013

In the Delhi High Court

Case No : Bail Application No. 1748, 2284 Of 2020, Criminal Miscellaneous
Application No. 9380, 11421 Of 2020

Vivek @ Goldi

APPELLANT

Vs

State (GNCT Of Delhi)

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307
Arms Act, 1959 — Section 25, 27

Citation : (2020) 09 DEL CK 0013

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : G. S. Sharma, V.K. Sharma, Jitender Panchal, Ajeet Kumar Gol, R. A. Sharma, Raghuinder Verma

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been held through video conferencing.

CRL. M.A. 9380/2020 in BAIL APPLN. 1748/2020

CRL. M.A. 11421/2020 in BAIL APPLN. 2284/2020

2. CRL. M.A. 9380/2020 is an application for exemption from filing a certified copy of order dated 22nd June, 2020 and a copy of the FIR. CRL. M.A. 9380/2020 is an application for exemption from filing a certified copy of order dated 11th August, 2020 and a copy of the FIR.

3. Allowed, subject to all just exceptions. Applications are disposed of.

BAIL APPLN. 1748/2020

BAIL APPLN. 2284/2020

4. Both these matters arise out of the same FIR, being FIR No.130/2020 under

Sections 307/34 IPC and Sections 25/27 of the Arms Act.

5. The brief background of this case is that an incident took place outside a restaurant at Punjabi Bagh in the intervening night of 10th and 11th February, 2020. A scuffle broke out between friend - i.e., the Complainant, the Applicants and their friends and there was a firing by pistol. Insofar as the allegation against Sonu @ Amar@ Amarjeet is concerned, the same is that he provided the pistol. Both the Applicants are in their 20s or early 30s.

6. Insofar as Vivek @ Goldi is concerned, there is no other case pending against him. He was granted interim bail on 6th August, 2020 and he has adhered to the conditions imposed in the bail order. The I.O. has also informed the Court that the Applicant has regularly kept in touch with the I.O. Accordingly, insofar as Vivek @ Goldi is concerned, he is enlarged on bail on the same conditions which were imposed on him vide order dated 6th August, 2020. In addition, he shall provide his permanent residential address, along with the phone number of a close family member, to the I.O. No further personal bond amount or surety amount needs to be provided.

7. Insofar as Sonu @ Amar @ Amarjeet is concerned, Id. counsel for the Applicant submits that in FIR No.515/2016, the case is still pending but the Applicant has already been granted bail. The background being one of an incident where there was no premeditation for firing, this Court is inclined to grant the Applicant in Bail Appl. 2284/2020 interim bail for a period of 45 days from the date of his release, subject to the following conditions:

- i. The Applicant shall furnish a personal bond to the tune of Rs. 25,000/- along with surety for like amount;
- ii. The Applicant shall provide his residential address to the I.O. and shall not leave Delhi.
- iii. The Applicant shall give a live mobile number to the concerned IO and be in touch with him on a daily basis.
- iv. The Applicant shall not contact any witnesses or the Complainant or his family in any manner or indulge in any activity so as to impede the trial in the case.

8. Mr. G. S. Sharma, Id. counsel shall place on record the bail order in FIR No.515/2016 before the next date.

9. List Bail Appl. 2284/220 on 16th October, 2020. Bail Appl.1748/2020 is disposed of.