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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4182/2021**

VINOD KUMAR Petitioner
Through: Mr.Aditya Aggarwal, Advocate

versus

STATE Respondent
Through: Ms.Aashaa Tiwari, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **13.01.2022**
(Through Video Conferencing)

The applicant vide the present application has sought the grant of bail in relation to FIR No. 275/2019 Police Station Wazirabad under Sections 308/323/341/506/34 of the Indian Penal Code, 1860 submitting to the effect that the applicant is incarcerated since 29.9.2021 and that the FIR in the instant case was lodged on 1.10.2019. Inter alia it has been submitted on behalf of the applicant that he has no adverse antecedents against him, that the injured in the matter has already been discharged on the date of the alleged commission of the offence.

The status report submitted by the State dated 7.12.2021 under Signatures of the SHO Police Station Wazirabad puts forth to the effect:

“ *It is respectfully submitted that on 30.09.2021 an information vide DD No 50 A regarding quarrel was received at Ps Wazirabad, Delhi which was marked to ASI Prem Ram who along with staff reached at the spot i.e Gali No 1, Shiv Mandir, Wazirabad, Delhi where it was learnt that injured has*

been shifted to Trauma Center Hospital, Delhi after that ASI Prem Ram along with staff reached at Hospital where and collected MLC No 12419/19 of Narender S/o Bhagwat R/o H.No 14/14, Gali No 3, Wazirabad, Delhi Age 40 years on which Doctor opined A/H/O Physical Assault and injury U/o and statement of injured was recorded in which he stated that on 30.09.2019 a retirement party was organized by his brother Rajender Singh at Gali No 1, Wazirabad, Delhi near Shiv Mandir. At about 08.45 PM-09.00 PM when he was enjoying party where Naresh S/o Munna Lal started abusing when he restrict him suddenly Sant ram @ Santu and Naresh started abusing and manhandling, Ravi S/o Munna Lal came there and Ravi and Santram caught hold him and Naresh hit him on his head with a sharp object. His cousin Amar S/o Subash came there to save him where Vinod S/o Munna Lal came there and Vinod started beating his brother-in-law, Vinod slapped his niece Reena also. Someone made PCR Call and his family members took him to Hospital, they also threated him. According a case vide FIR 275/19 U/s 323/341/506/34 IPC was registered and investigation was taken up.”

The State has opposed the application submitting to the effect that the injuries sustained on the head of the victim were grievous in nature, that the applicant has not joined the investigation and the NBWs had been issued and that he will not be available for trial, if released on bail.

Apparently, the applicant is not the assaulter of the grievous injury on the injured and was also not present as indicated through the status report till the injury was inflicted on the head of Narender by the co-accused Naresh. It is at the stage when Amar S/o Subhash the cousin of the injured had come to save him when the applicant is alleged to have come there and started beating his brother-in-law and also slapped Renu.

Taking the said allegations into account as well as it being indicated that the grievous injury on the injured was not inflicted by the applicant with there being no previous adverse antecedents against him, the applicant in the instant case is allowed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court with directions that he shall appear before the Court as and when directed, and shall keep his mobile phone on at all times and drop a pin on the Google map to ensure that his location is available to the Investigating Officer and shall commit no offence whatsoever during the period that he is on bail.

The application is disposed of accordingly.

ANU MALHOTRA, J

JANUARY 13, 2022/SV