

Atul Kumar vs.state

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Court : Delhi

Decided On : Oct-27-2017

Appellant : Atul Kumar

Respondent : State

Judgement :

\$~ * + IN THE HIGH COURT OF DELHI AT NEW DELHI BAIL APPLN. 1330/2017
Order reserved on:

24. h October, 2017 Order pronounced on:

27. h October, 2017 ATUL KUMAR Through: Mr. Jaspreet Singh Rai, Advocate.
.....Petitioner Versus STATE ..Respondent Through: Mr. Amit Ahlawat, APP for the
State with SI Mahesh Chand, PS-Lajpat Nagar CORAM: HON'BLE MS. JUSTICE
SANGITA DHINGRA SEHGAL1 By this present petition filed under Section 439 of
the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.'), the petitioner
is seeking grant of Regular Bail in case FIR No.26/2017 registered under Sections
3
of the Indian Penal Code, 1860 (hereinafter referred as IPC) registered at Police
Station Lajpat Nagar.

2. Brief facts as mentioned in the FIR are that on 11.07.2017 at 11:00 pm the
complainant received a phone call from his friend Rahul and he went to Gate No.3,
Jal Vihar. While waiting for his friend one motorcycle came in which three persons

were sitting including the petitioner who told the complainant that Tune jo complaint hamare khilaf vapis nahi li tujhko samzaya tha and attacked him with sharp edged weapon with the intention to kill him. The complainant was drenched in blood and he was taken to VIMHANS hospital and then to Moolchand and thereafter to AIIMS trauma Centre where he received the treatment. Thereafter, BAIL APPLN. 1330/2017 Page 1 of 3 the complainant lodged the present complaint against the petitioner and other co-accused.

3. Mr. Jaspreet Singh Rai, learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case as there is an old enmity between the complainant and the petitioner; that the petitioner has provided the CCTV footage to the Investigating Officer of the case which clearly shows that he was present at the medical store at the time of the incident; that no recovery has been made at the instance of the petitioner; that the petitioner is a person of clean antecedents and there is no likelihood of the petitioner to temper with the evidence or influence the witnesses.

4. Per contra, Mr. Amit Ahlawat, APP, for the State strongly opposed the present regular bail application and argued that the allegations leveled against the petitioner are serious and grave in nature; that the petitioner has categorically named the petitioner in the FIR; that as per the MLC the complainant has received grave injuries on his body; that earlier an FIR03902016 was registered by father of the complainant against the petitioner because of which the complainant was attacked by the petitioner.

5. I have heard both the learned counsels for the parties and perused the material available on record.

6. The record reveals that the petitioner has previous enmity with the complainant and the attack has been made with a sharp edged weapon on the face and shoulder of the complainant. The MLC establishes, that the natures of injuries were grievous in nature which is punishable with imprisonment which may extend to ten BAIL APPLN. 1330/2017 Page 2 of 3 years. The status report further reveals that the petitioner was absconding from arrest and was apprehended only on 24.06.2017. The co-accused persons are yet to be arrested and weapon of

offence is also to be recovered.

7. Considering the facts and circumstances of the present case, gravity of offence, injuries suffered by the complainant and the fact that the petitioner was actively involved in the commission of the crime, this court is not inclined to grant regular bail to the petitioner at this stage.

8. Accordingly, the present petition is dismissed. SANGITA DHINGRA SEHGAL, J
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