

Nitin Kumar Sood @ Sumit vs.the State (Govt. Of Nct of Delhi)

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Court : Delhi

Decided On : Nov-30-2018

Appellant : Nitin Kumar Sood @ Sumit

Respondent : The State (Govt. Of Nct of Delhi)

Judgement :

\$~17 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

30. 11.2018 BAIL APPLN. 1890/2018 NITIN KUMAR SOOD @ SUMIT

... Petitioner

versus THE STATE (GOVT OF NCT OF DELHI)..... Respondent Advocates who appeared in this case: For the

... Petitioner

: For the Respondent : Mr.Vivek Aggarwal, Advocate. Mr.Hirein Sharma, APP with SI Sanjay Singh, P.S.Ambedkar Nagar. Mr.Rajeev Ranjan Pandey, Adv. for the complainant. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT3011.2018
SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks anticipatory bail in FIR No.277/2018 under Sections 324/3 IPC. Subsequently, Section 354B and 326 has also been added.

2. Subject FIR has been registered consequent to a quarrel that took place between the two neighbouring families. It is alleged that the petitioners family was abusing the family of the complainant when the family of the complainant objected, they started assaulting BAIL APPLN. 1890/2018 Page 1 of 3 them. When the complainant came on the spot, he found that his father was being assaulted. He intervened and subsequently the petitioner is alleged to have stabbed the complainant.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated as the subject FIR is a counter blast to the FIR registered by the complainant and his family being FIR No.279/2018. It is alleged that the family of the complainant had assaulted the family of the petitioner and the father of the petitioner sustained grievous injury on his head as he was hit by an iron rod and an FIR inter alia under section 308 IPC has been registered.

4. Status report has been filed. Same is taken on record. As per the status report petitioner joined investigation, however, did not aid and assist in the recovery of the weapon of offence which was used to stab the complainant on his thigh.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated and no weapon was used by the petitioner and as such there was no question of the petitioner aiding and assisting in recovery of the alleged weapon. Learned counsel for the petitioner further submits that the accused in the FIR lodged by the petitioner have already been enlarged on bail.

6. Keeping in view the facts and circumstances of the case and without commenting on the merits of the case and on perusal of the record, I am of the view that petitioner has made out a case for grant BAIL APPLN. 1890/2018 Page 2 of 3 of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs.

15,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned.

... Petitioner

shall not do anything which may prejudice the investigation, trial or the prosecution witnesses.

... Petitioner

shall not contact the complainant or her family members. Both the parties shall ensure that peace and harmony is maintained in the area and no incident occurs between the families. The petition is disposed of in the above terms. Order Dasti under signatures of the Court Master.

8. 9. NOVEMBER30 2018 rk SANJEEV SACHDEVA, J BAIL APPLN. 1890/2018
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