

Monu @ Sandeep vs.state

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Court : Delhi

Decided On : Mar-06-2019

Appellant : Monu @ Sandeep

Respondent : State

Judgement :

\$~25 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

06. 03.2019 BAIL APPLN. 253/2019 MONU @ SANDEEP versus STATE

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr. Jitender Tyagi with Mr. K.D. Pandey, Advocates. For the Respondent: Ms. Meenakshi Dahiya, APP for the State. SI Anil Kumar, PS Neb Sarai. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.559/2017 initially registered under Sections 3 IPC and subsequently on the death of the victim, Section 302 has been added.

2. Allegations in the FIR are that information was received that there was firing and fight in the colony. When police reached the spot, they found that there was a fight between one boy and several other boys and the injured was taken to the hospital. The injured was unfit for statement and subsequently expired. BAIL APPLN. 253/2019 Page 1 of 3 3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that apart from alleged disclosure and confessional statements of the accused, there is no material to connect the petitioner with the subject offence.

4. Learned counsel for the petitioner further submits that consequent to the alleged disclosure/confessional statements, there is no recovery of any incriminating evidence/material, as such, the disclosure statements are inadmissible in evidence.

5. Learned counsel for the petitioner further submits that the prosecution had cited two independent eyewitnesses to the incident and their statements have already been recorded before the trial court and they have failed to identify the petitioner.

6. 7.

... Petitioner

has been in custody since 26.12.2017. Learned APP for the State informs that there is no other eyewitness apart from the two witnesses who have already been examined.

8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances, I am of the view that the petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- 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. BAIL APPLN. 253/2019 Page 2 of 3

... Petitioner

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

... Petitioner

shall not leave the country without the permission of the Trial Court.

... Petitioner

shall surrender his passport, if any, to the Investigating Officer, if not already done.

9. Petition is allowed in the above terms.

10. Order Dasti under signatures of the Court Master. SANJEEV SACHDEVA, J
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