

**Vishal Kumar vs.the State**

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**SooperKanoon Citation :** [sooperkanoon.com/1224191](http://sooperkanoon.com/1224191)

**Court :** Delhi

**Decided On :** Jul-24-2019

**Appellant :** Vishal Kumar

**Respondent :** The State

**Judgement :**

\$~1 \* IN THE HIGH COURT OF DELHI AT NEW DELHI % + BAIL APPLN.  
1214/2019 Judgment delivered on:

24. 07.2019 VISHAL KUMAR THE STATE versus .....

... Petitioner

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

... Petitioner

: For the Respondent : Mr.Mukesh Singh, Adv. Mr.Hirein Sharma, Addl. PP for the  
State CORAM:-

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

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.416/2018 under Sections 3 of the IPC, Police Station Bhalswa Dairy.

2. The allegations are that the victim was fighting with a co accused and thereafter it is alleged that petitioner and another co accused Sadhu Singh came on the spot and intervened. It is alleged that all three of them started beating the victim.

3. Thereafter it is alleged that petitioner and the co accused Sadhu Singh held the victim and instigated the main accused, who stabbed the victim. BAIL APPLN. 1214/2019 Page 1 of 3 4. Learned counsel for the petitioner submits that identical role has been ascribed to the petitioner as well as Sadhu Singh and Sadhu Singh has been released on bail by the Trial Court by order dated 30.01.2019. Reference is drawn to the order dated 30.01.2019 whereby Sadhu Singh has been released on bail.

5. It is observed from the prosecution case that the role ascribed to the petitioner as well as Sadhu Singh is identical. Sadhu Singh was granted bail when he had undergone incarceration of five months.

... Petitioner  
has been in custody since 01.12.2018.

6. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that there is no material on record to substantiate that petitioner had instigated the co accused to stab the victim. He submits that there is no material on record to show that petitioner was either present at the spot or was aware that the co accused was carrying a knife which would be used.

7. Learned counsel for the petitioner submits that the victim and public witness has already been examined and cross examined.

8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, I am satisfied that petitioner has made out a case for grant of regular bail.

9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 30,000/- with one surety of the like amount to the satisfaction of BAIL APPLN. 1214/2019 Page 2 of 3 the Trial Court, petitioner shall be released on bail, if not required in any other case.

... Petitioner

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

... Petitioner

shall not indulge or involve himself in any criminal activity during his period on bail. He shall furnish his mobile number as well as residential address to the SHO concerned as well as to the Trial Court and in case of change of either of the two, intimate the same to the SHO and the Trial Court.

10. Petition is allowed in the above terms.

11. Order Dasti under signatures of the Court Master. JULY24 2019 rk SANJEEV SACHDEVA, J BAIL APPLN. 1214/2019 Page 3 of 3

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