

Mahinder Kumar Vs. the State

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Court : Delhi

Decided On : Jan-11-1984

Reported in : 25(1984)DLT169; 1984RLR1

Judge : Jagdish Chandra, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439; [Indian Penal code, 1860](#) - Sections 307; [Arms Act, 1959](#) - Sections 25

Appeal No. : Criminal Miscellaneous Appeal No. 20 of 1984

Appellant : Mahinder Kumar

Respondent : The State

Advocate for Pet/Ap. : K.K. Sud and; B.T. Singh, Advs

Judgement :

Jagdish Chandra, J.

(1) There are two cross-cases both under section 307/34 IPC. Mahinder Kumar petitioner and his party have also been charged under section 25 of the Arms Act whereas the case under section 27 of the Arms Act has also been registered against the other party i.e. Mahinder Singh Chadha and his party.

(2) Mahinder Kumar petitioner has now applied for bail. His bail application has already been dismissed first by Shri J.D. Kapur Addl. Sessions Judge during winter vacation and the second by Shri S.R. Goel, Addl. Sessions Judge, Shahdara. The allegation of the prosecution against the petitioner Mahinder Kumar is that he Along with six companions went in two cars to the place of occurrence. He was armed with a country made pistol while his six companions were armed with hockey sticks. It is further alleged that the petitioner Mahinder Kumar fired a pistol shot which did not hit anybody but just passed by the arm of a passer-by who too remained unhurt. It is pointed out by the learned counsel for the petitioner that all the remaining six-co-accused have already been granted bail while he was declined bail for the aforesaid allegation. He has further pointed out that the petitioner is a resident of that very locality in which the occurrence is alleged to have taken place. Mr. Sud places the entire blame of aggression on the other party and has pointed out further that a representation dated 26.12.1983 was also made to the Deputy Commissioner of Police against the high handedness of the police officer in regard to this alleged occurrence and that this representation has been signed and subscribed to by about as many as 200 residents and shopkeepers of the locality.

(3) After hearing the learned counsel for the petitioner and also Mr. B.T. Singh Advocate representing the State, I am of the view that to decline bail to the petitioner would be unwarranted and unjustified and consequently the petitioner Mahinder Kumar is ordered to be released on bail on his executing personal bond in the sum of Rs. 5000.00 with one surety in the like amount to the satisfaction of the concerned court. As per desire of Mr. Suddusty order may be given.