

Reg. No. 1625/20
State Vs. Sanjay
FIR No.198/20
P.S: Jyoti Nagar (Crime Branch)
U/S: 302/307/34 IPC & 27 Arms Act

08.10.2020

In view of the office orders issued in the wake of Corona virus (Covid-19) Pandemic, the present application has been put before the undersigned and heard through video conferencing. **Today is the physical hearing as per Roaster.**

Present : Sh. Rakesh Kumar, Ld. Addl. PP for State.
Sh. Devender Singh, Ld. Counsel for
applicant/accused in person.

IO/Inspector Videsh Singhal in person.

Trial Court Record Received already.

1. This is 1st application for grant of bail u/s 439 Cr.P.C. filed on behalf of applicant/accused Sanjay.

2. Ld. Counsel for applicant Sanjay submits that the applicant is in custody since 04.05.2020. Ld. Counsel states that accused has been falsely implicated in the present case. He submits that there was no dispute whatsoever between the complainant and the accused Sanjay or his brother Rajeev. He submits that the dispute between the parties was mainly over money regarding which complainant had picked up quarrel with Mohit and Sachin near the house of accused. Ld. Counsel refers to the said quarrel which got covered in CCTV camera and states that the accused was

merely standing on the spot near his house and was trying to intervene to pacify the parties. Ld. Counsel states that the complainant was under the influence of liquor and picked up quarrel in question and there was heated exchange of words with another boy Mohit near Dairy of the accused. Narrating the entire incident, Ld. Counsel states that even the contents of FIR do not mention about any role attributable to the applicant except being involved in the quarrel. Ld. Counsel submits that applicant is aged about 42 years and shall abide by all the conditions, if any imposed by the court while allowing the same.

3. On the other hand, Ld. Addl. PP for State opposes the bail application by drawing the attention of the court towards the allegations in the FIR, recorded on the statement of Gaurav Thakur. He contends that the CCTV footage shows the presence of the accused at the place of occurrence. He requests for dismissal of the same.

4. I have heard the respective submissions advanced at Bar and also perused the report having seen the CCTV footage. On 04.05.2020 Gaurav Thakur had picked up a quarrel with accused. On same day at about 7.00 – 7.30 pm again, hot exchange of words happened with Gaurav Thakur at the dairy of accused Sanjay when Kuldeep @ Shetty was present at the dairy. After some time at about 8.00 pm, accused along with Rajeev and his friend Shetty

came at the street and started hurling abuses by calling his name, on which, his brother, father, mother and sister came outside in the street. Accused along with co-accused Rajeev started beating them all and in the meantime accused Rajeev, brother of accused Sanjay took out pistol from his shirt and fired indiscriminately and the said bullet hit his friend Suraj, his mother and sister. The entire incident shows the accused Sanjay was leading his brother and other associates and was instigating them while giving beatings. The allegations against the accused are serious in nature. Having considered these circumstances as well as the fact that it is highly likely that the applicant may evade the process of law, misuse liberty, threaten witnesses and may jump the bail, if the liberty as prayed for is granted.

5. As such, I find no grounds for grant of bail to the applicant/accused Sanjay.

6. The application stands dismissed.

7. Trial Court record be sent back.

Dasti.

(Ms. Ravinder Bedi)

ASJ-02/E-Court/ Shahdara

KKD/Delhi/08.10.2020