

DLNT01-004166-2019

SC No. 256/2019

State Vs. Harsh @ Deepak @ Joni etc

FIR No. 485/2018

PS: Bawana

U/s 307/120B/174A/34 IPC &25/27 Arms Act

10.06.2022

File taken up on application u/s **439** Cr.P.C for grant of regular bail moved on behalf of applicant/accused **Manoj @ Toni @ Chotu**.

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.

Sh. Akshay, Ld counsel for the applicant/ accused.

Reply of the bail application has been filed. It is submitted by Ld. Counsel for the applicant/ accused that he has been falsely implicated in the present case and he was sent to JC on 30.08.2020. He has further submitted that the co-accused namely Ankit Mann has already been granted regular bail vide order dated 04.05.2021 and the applicant/ accused seeks bail on parity ground. He has further submitted that the applicant/ accused has already spent more than 8 months in jail in the present case. He has further submitted that it is pertinent to mention that the applicant/ accused has clean antecedents and has no criminal involvements except present case. He has further submitted that the applicant/ accused undertakes that he will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer. He has further submitted that it is pertinent to mention that applicant/ accused during his interim bail has appeared before this Court on each and every date of hearing and has never misused the liberty guaranteed to him.

On the other hand, Ld. Addl. PP for the State opposed the bail application and submitted that the accused was released on HPC but the same cannot be a ground to extend the regular bail. He has further submitted that the complainant has clearly stated that he was also one of the persons who had fired upon him.

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Heard. Though the accused was released on HPC but the same cannot be a ground to extend the regular bail. The complainant has also named him as one of the persons who had fired upon him. The accused persons have attacked the complainant twice in a quick succession. Moreover the present applicant had been declared PO earlier. So for the aforesaid reasons the regular bail of the applicant is dismissed hereby. Recently the Hon'ble Supreme Court of India in *Sou Motu W.P. (C) No. 1/2020* has directed vide order dated 03.06.2022 that the accused persons who were on HPC interim bail are directed to surrender. Applicant is required to comply the same.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:10.06.2022(S)