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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2464/2020

MITHAN SINGH Petitioner
Through Mr. Amit Kumar Gupta, Adv.
versus
THE STATE Respondent
Through Mr. Jitendra Jain, SPP for State with
SI Sandeep Yadav

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **14.10.2020**

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of bail in case FIR No.233/2020, for the offences punishable under Sections 109/114/147/148/149/188/392/436 IPC, registered at Police Station Khajuri Khas, Delhi.
2. Learned SPP has opposed the present petition by stating that four complainants from the other FIRs against the petitioner, namely, Nazruddin, Khateeb Ullah, Shakeb Khan and Estkhar, made initial complaints on 03.03.2020 and 05.03.2020 wherein the petitioner was not named. Thereafter, on 13.03.2020 these complaints were merged and specifically mentioned the name of the petitioner and his sons. There are serious allegations against the petitioner and he has played an active role in the riots. Therefore, the present petition deserves to be dismissed.
3. It is not in dispute that the incident is of 25.02.2020 and the petitioner herein is known to the complainants mentioned above, however, Khateeb

Ullah mentioned that sons of the petitioner were involved, did not mention anything regarding petitioner's involvement. Whereas, in the first complaint made by Mohd. Munazir, which was culminated into FIR, mentioned that petitioner and his son were on the terrace of their house and he asked the petitioner to call on 100 number, however, he did not.

4. On perusal of the complaints initially made by complainant as well as the FIR, it reveals that no role was assigned to the petitioner, however, in supplementary statements petitioner and his sons are named.

5. That petitioner is 65 years old and is a victim of the riots. His house was also damaged by an unlawful assembly, to which he has also lodged a complaint dated 28.02.2020 vide DD-46B.

6. It is also a fact that there is no video clip or photograph on record against the petitioner whereby the petitioner was charge-sheeted in the present crime.

7. In view of above, I am of the view that the petitioner deserves bail.

8. Accordingly, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Judge.

9. The petition is, accordingly, allowed and disposed of.

10. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for necessary compliance.

11. It is made clear that the Trial Court shall not get influenced by the observations made by this Court while passing the order.

12. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

OCTOBER 14, 2020/rk