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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: 30th September 2010

Date of Order: October 04, 2010

+ Bail Application No.1619 of 2010

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Bharti and another

04.10.2010

...Petitioners

Versus

The State (NCT of Delhi)

...Respondents

Counsels:

Mr. Shahid Ali for petitioners.

Mr. Sunil Sharma, APP for State/respondent.

Mr. Sunil Mittal, Advocate for complainant

AND

Date of Reserve: 1st October 2010

Date of Order: October 04, 2010

+ Bail Application No.1629 of 2010

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Prathvi Raj

04.10.2010

...Petitioner

Versus

The State

...Respondent

Counsels:

Mr. Anil Soni for petitioner.

Mr. Sunil Sharma, APP for State/respondent.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORDER

1. These two petitions under Section 438 Cr.P.C have been preferred by the petitioners seeking anticipatory bail.

2. An FIR under Section 307 IPC has been registered against the petitioners at the instance of injured Hari Shankar. The MLC of Hari Shankar shows that he received simple blunt injuries. It is submitted by counsels for the petitioners/accused that the entire family of the petitioners has been falsely named by the complainant in his report. The complainant and his other family members had earlier also quarreled with the petitioners and a case under Section 325, 308, 323 IPC was going on against the complainant and other accused persons and in that context only the entire family has been roped in and named. On the other hand, the counsel for complainant who was assisting the State counsel showed certain photographs of the complainant showing various injury marks on the body of complainant and he submitted that the residence welfare association of the area had also made a complaint against the petitioners as they were anti social elements and were acting with highhandedness.

3. A perusal of complaint made by the injured shows that the complainant/injured described the incident in following manner:

"I had gone with Babu Lal Sharma, Prashant, Santosh Kumar and other 2/3 persons to Balaji Temple on the occasion of Janamastmi for cleaning the temple. While I was there, Ram Niwas along with his sons Shanti Swaroop, Bharti, Ram Babu, Ram Gopal, Kunwar Pal, Prithivi Raj and one of his associates Vihsal and Ghaploo came there and they all caught me and took me to their home forcibly and started beating me mercilessly. Ram Niwas asked others to kill me and I should not go alive. On this, Shantiswroop, Bharti, Ram Babu and Ram Gopal caught my both hands and legs. Kunwar Pal with a danda hit me on my head, Prithivi Raj started pressing my neck and Vishal and Ghaploo hit me on my back with some hard object, somebody gave a call to police station and PCR van came."

4. From the manner in which the entire incident has been narrated and described, it is apparent that an effort has been made to name each male family member in the quarrel and for each part of the body one or two persons have been named. However, considering that the injuries received by the complainant were simple blunt in nature and the fact that there was previous history of quarrel between the two families and the complainant was also facing criminal case also looking at the fact that custodial interrogation was not required in view of the nature of incident, I allow the applications anticipatory bail. It is directed that in the event of arrest, the petitioners be released on bail on their furnishing personal bond in the sum of Rs.50,000/- with one surety each in the like amount to the satisfaction of arresting officer/SHO concerned. However, it is directed that the petitioners shall join investigation as and when called by the investigating officer by a written notice under Section 160 Cr.P.C.

5. With above order, both the above petitions stand disposed of.

October 04, 2010
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SHIV NARAYAN DHINGRA, J