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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 180/2016**

HARI BHAGWAN SHARMA & ORS. Petitioners
Represented by: Mr. Mukul Sharma, Adv.

versus

STATE (DELHI ADMINISTRATION) Respondent
Represented by: Mr. Arun Kr. Sharma, APP for
State with SI Hira Lal, PS-Paharganj.
Ms. Geetanjali Jetley and Mr. Varun Kaushik,
Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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01.02.2016

1. By way of the present petition, filed under Section 438 Cr.P.C. petitioners seek grant of anticipatory bail in case FIR no. 776/2015 registered at PS-Pahar Ganj for the offences punishable under Sections 186/353/332/34 IPC.

2. The aforesaid case was registered on the complaint of SI Satyapal, who, on receipt of DD No. 17PPST regarding a complaint made by one Kamalesh Rani, along with Const. Satish Kumar, W/Ct. Sushil and W/Ct. Mamta reached at the place of occurrence, i.e., 454 Mantola, Paharganj, New Delhi. The complainant Kamalesh Rani and her son were present there. The moment, the said officers started enquiring the matter, the petitioners came over there and threw SI on the ground and beat him with fists and kicks and tore his uniform. Accordingly, he informed the SHO and In-charge of PP. Thereafter, additional police was also called to control the

situation.

3. For the aforesaid relief, the petitioners approached the court below, which has been dismissed vide order dated 05.01.2016.

4. On perusal of the said order, it is revealed that Id. Trial Court has recorded that undisputedly in the complaint made by Kamalesh; she stated that the property mentioned above was given to Sanjay Sethi, her close relatives, about 8-10 years back. Now, she has come to know that said Sethi has sold the same to one Virender Singh without her permission and consent. Accordingly, she made a complaint and SI Satyapal reached at the spot to enquire the matter.

5. Further revealed that Id. Trial Judge recorded the statement of Sanjay Sethi, who appeared before the Court and stated that the property bearing no. 454 was given to Virender Singh (one of the accused herein) for making arrangement of the marriage of his daughter and accordingly, the petitioners were in possession for the property since 22.11.2015.

6. Ld. Counsel appearing on behalf of the petitioners submits that due to intervention of the aforesaid police officials and their assault on the petitioners and their family members including the ladies, some altercation might have taken place; however, the petitioners were not in illegal possession of the said property. However, submits that on the very said date, the petitioners have vacated the property and have nothing to do with it. He further submits that said property was taken from Sanjay Sethi, which fact he admitted before the court. There were no plans or intention of the petitioners to grab the property. He further submitted that petitioners have

no possession in the property in question and if any lock is found on the premises that can be opened by the police, to which the petitioners have no objection.

7. On the other hand, Id. APP appearing on behalf of the State submits that aforesaid police officers reached the place of occurrence on the complaint made by one Kamalesh Rani to enquire the matter. However, the petitioners assaulted the police officers in which SI Satyapal received injuries, who thereafter, called the SHO and additional police force.

8. It is not in dispute that some injuries were caused to family members of the petitioners, i.e., Renu Sharma, Ram Beti and Muni Devi in the said incident. It is also not in dispute that the possession of the premises in question was given to petitioners for the purpose of arranging the marriage of daughter of Virender Singh by one Sanjay Sethi, to whom admittedly complainant Kamlesh had given the property.

9. As stated by the counsel for the petitioners, the petitioners have nothing to do with the property in question and there were no intentions of the petitioners to grab the same as the petitioners had taken the premises only for the purpose of accommodating the guests in the marriage of daughter of Virender Singh.

10. It is not in dispute that petitioners are staying in the adjoining area, i.e., 457, Mantola, Pahar Ganj. The altercation might have taken place due to some misunderstanding and mainly for the reasons that the guests of the petitioners were there at the time of marriage and due to the intervention of the police at that point of time, some altercation had taken place.

11. In view of the facts recorded above, it is established that neither the petitioners claim their right over the property nor Sanjay Sethi. Therefore, the incident had taken place due to misunderstanding. Undisputedly, the property in question belongs to Ms.Kamlesh Rani.

12. In view of above, without commenting on the merits of the case, I deem it appropriate to grant anticipatory bail to the petitioners.

13. Accordingly, petitioners shall be released in the event of arrest on their furnishing personal bond of Rs.15,000/- each with one surety of the like amount to the satisfaction of the SHO/Investigating Officer concerned.

14. Accordingly, the petition is allowed.

15. *Dasti.*

SURESH KAIT, J

FEBRUARY 01, 2016

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