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

+ BAIL APPLN. 394/2016

BABLOO KHAN Petitioner

Through Mr.G.S. Sharma, Adv.

versus

STATE Respondent

Through Mr.Amit Chadha, APP for the State.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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10.03.2016

The present bail application under Section 438 of the Code of Criminal Procedure, has been filed by the petitioner for grant of anticipatory bail in a case arising out of FIR No.14/2016 under Sections 308/341/34 of the Indian Penal Code registered at Police Station Sonia Vihar.

The facts giving rise to the present bail application are within the narrow compass. Learned counsel for the petitioner has submitted that the complainant is the residence of the same colony in which applicant/petitioner is residing and that the complainant had lodged number of cases against the petitioner. It is submitted that on 11th

January, 2016, the complainant was coming from second Pusta to first Pusta and when he reached Gali No.22, the petitioner and his associates Saddam, Kale Khan and Deva stopped him. The petitioner inflicted injury with danda upon the head of the complainant while Saddam inflicted injury with sword like weapon. Kale Khan and Deva stated to have assaulted the complainant and somehow the complainant managed to run away and rescue himself.

Learned Additional Public Prosecutor on behalf of the State has submitted that the police was informed and injured/complainant was taken to Jag Pravesh Chandra Hospital, Shastri Park, Shahdara, Delhi where the doctor recorded MLC, A/H/O physical assault and laceration 6x2.5 cm born deep and ongoing bleed right parietal. It is further revealed that during the course of investigation, the accused Kale Khan has been arrested and was sent in judicial custody who is now on regular bail. The other co-accused namely Saddam and Deva have till date not been arrested despite efforts and non-bailable warrants have been issued against them. The MLC report of the complainant regarding nature of injury was opined as 'simple'.

Learned APP for the State has further submitted that weapon of

offence is yet to be recovered and that the other co-accused are yet to be traced.

I have heard learned counsel for the parties at length and perused the available records. I am of the considered opinion that the petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present bail application is dismissed.

P.S.TEJI, J

MARCH 10, 2016

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