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

+ BAIL APPLN. 759/2016

KULDEEP & ANR

..... Petitioner

Through Mr.R.S. Malik & Mr.Sahil Malik,
Advs.

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr.Amit Chadha, APP with SI Uday
Singh, PS Bawana.
Mr.Ashish Sehrawat, Adv. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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04.05.2016

Crl.M.A. 6083/2016 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 759/2016

The petitioners, namely, Kuldeep and Raveen Dabas have filed the present petition under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.160/2016, under Section 195A/336/34 IPC, Police Station Bawana.

Arguments heard.

As per FIR, the allegations levelled in the present case are that

the complainant Raj Kumar @ Ravinder made a statement to the police that he was a witness in a case registered against Jagmender. Jagmender threatened the complainant several times not to depose in that matter. On 14.03.2016 at about 08.30 p.m., when complainant was present in the house of his brother Sudhir, accused Govinda, Jagmender, Bahadur and Leela along with two unknown persons came there and threatened the complainant. Jagmender and his associates were drunk. Jagmender threatened the complainant not to depose against him else he would kill the complainant and his family members. Jagmender fired three gun shots in the air, whereas accused Govinda, Leela and Bahadur lifted their shell from the ground and left the spot after giving threats to the complainant.

Learned counsel for the petitioners has argued that there is a delay of three days in lodging the present FIR and no explanation has been given for such a delay. Further argument advanced is that the petitioners have not been named in the FIR and their names have been added subsequently. It is further argued that the petitioners are residing in the neighbourhood of the complainant and the story of the prosecution cannot be accepted that the complainant could not name

them at the time of registration of present FIR being his neighbours. In support of his arguments, learned counsel referred to a judgments in the cases of *Thulia Kali v. State of T.N. AIR 1973 SC 501*, *Parvez Akhtar v. State 2006 III AD (Cri.) (DHC) 697* and *Rajesh Kumar Singhal v. State 2001 V AD (Delhi) 154*.

On the other hand, learned Additional Public Prosecutor for the State has argued that the petitioners cannot be granted the concession of anticipatory bail in view of the fact that NBWs have already been issued against them. It is further argued that the complainant in his statement under Section 161 Cr.P.C. named both the petitioners as two of the accused persons and also identified them in the video recording recorded in the camera installed at the residence of the complainant.

I have gone through the arguments advanced and the ratio of judgments cited by the learned counsel for the petitioners.

So far as the allegations against the petitioners are concerned, it has specifically been stated by the complainant in his first statement to the police that two unknown persons accompanied by the main accused Jagmender and others came to his house, threatened him not

to depose against Jagmender and also gun shots were fired in the air in order to threaten him. Later on, the complainant in his statement under Section 161 Cr.P.C., named both the petitioners as the persons who were accompanied by main accused Jagmender. It is matter of record that now non-bailable warrants have been issued against the petitioners. It is also apparent that the complainant identified both the petitioners in the video camera footage as accused persons. It is also matter of record that out of the six accused persons in the present case, four accused persons have already been arrested and later on released on regular bail.

In the facts and circumstances mentioned above, this Court does not find it fit to grant the concession of anticipatory bail to the petitioners.

The present petition is accordingly dismissed.

P.S.TEJI, J

MAY 04, 2016
dd