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

+ CRL.REV.P. 510/2014 & CrI.M.B. No.10379/2014

JAGDISH BHADARIA

..... Petitioner

Through: Ms.Namita Roy, Mr.Gautam and
Mr.Amit, Advocates.

versus

STATE

..... Respondent

Through: Ms.Rajni Gupta, APP for the State
with Insp. Mahesh, PS Chhawala
Mr.Arvind Singh, Advocate for the
Complainant.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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18.03.2016

1. This revision petition has been preferred by the petitioner against the order dated 24.07.2014 whereby the application filed by the petitioner under Section 439 CrPC seeking regular bail, has been dismissed by the learned ASJ.

2. I have heard learned counsel for the petitioner as well as learned APP for the State and carefully gone through the record.

3. Learned APP for the State submits that the revision petition is not maintainable as the order refusing the bail to the petitioner is an interlocutory order against which a revision petition cannot be preferred by the petitioner. Learned APP for the State has relied upon **Anil Kumar Bansal vs. State** in CrI.Rev.Rev.P. No.350/2010 decided on 04.07.2011 in

support of his submissions.

4. Learned counsel for the petitioner submits that in this case, protection has already been granted to the petitioner. Learned counsel for the petitioner further submits that she may be permitted to withdraw the present revision petition and approach the concerned Court for bail and till then, protection to the petitioner may be extended as the petitioner is about 78 years of age.

5. Perusal of the record reveals that vide order dated 01.09.2014, this Court granted interim protection to the petitioner by passing the following order:

'Petitioner is seeking interim protection. It is pointed out that the dispute is between two brothers. The complainant brother is a resident of USA. This complaint is being pursued by his power of attorney holder. A civil dispute being CS(OS) No.826/2007 is also pending between the parties in the High Court qua the said dispute. Relevant would it be to point out that this dispute relates to an agricultural land situated at Chhawla Village, Najafgarh, Delhi. Record further discloses that initially the complainant had filed a complaint case in the year 2006; this was dismissed. A revision petition was filed against that order. FIR had finally been registered in the year 2009 under Sections 420/467/468/471/34 of the IPC against the petitioner. The other co-accused is the wife of the petitioner.

Counsel for the petitioner points out that the petitioner has been joining investigation and he last joined the investigation before the Investigating Officer in April, 2014. Record further discloses that in pursuance of theailable warrants issued against the petitioner (petitioner was appearing in person, he was unaware of the date); he was taken into custody on 09.5.2014. He had been released on bail on 21.5.2015 for an interim period of up to 21.7.2014. In this intervening period a regular bail application had been filed; this application was dismissed by the Sessions Judge vide order dated 24.7.2014. On 21.7.2014 the Apex Court had passed an order

granting protection to the petitioner up to further orders; the SLP had finally been dismissed on 25.8.2014.

Learned APP for the State under instructions from the investigating officer confirms the fact that the petitioner has joined the investigation. Petitioner is present in Court. He is about 75 years of age. He shall join the investigation as and when summoned by the investigating officer. Till then no arrest.

Status report be filed by the State.

Renotify for 26.11.2014.'

6. The interim protection granted to the petitioner vide order dated 01.09.2014 is still continuing.
7. In view of the submissions made on behalf of the petitioner, the revision petition is dismissed as withdrawn with directions to the petitioner to avail his remedy before the concerned Court within a week from the date of this order. It is also made clear that till the disposal of the application filed by the petitioner before the concerned Court, the protection extended to the petitioner by this Court vide order dated 10.09.2014 shall continue.
8. A copy of this order be sent to the concerned Court for information and compliance.

As prayed, copy of the order be given dasti to learned counsel for the parties under the Signature of Court Master.

PRATIBHA RANI, J.

MARCH 18, 2016

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