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

+ **BAIL APPLN. 1155/2016**

ASHOK PANDIT

..... Petitioner

Represented by: **Mr. Nishit Kush & Shayam
Sharma, Advs.**

versus

THE STATE

..... Respondent

Represented by: **Mr. Hirein Sharma, APP with
Inspector Upender Singh, PS
Mehrauli**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.07.2016

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By the present petition, the petitioner seeks anticipatory bail in case FIR No.3298/2015 under Sections 307/34 IPC registered at PS Mehrauli.

Learned counsel for the petitioner states that petitioner has been falsely implicated as an afterthought on the complaint of Rakesh Malik accused in FIR No.189/2014. The petitioner himself suffered injuries. In the incident Rajesh Malik and others injured the petitioner and killed two persons. The petitioner is a witness in case FIR No.189/2014 and thus he is being targeted.

Learned APP for the State has taken me through the status report.

As per the FIR and the status report filed, an incident took place on 7th February, 2014 for which a PCR call was received vide DD No.62-B.

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When the police reached the spot, they found many people gathered near Jai Ambey Property, Shop No.D-7 and a Nissan Teana Car bearing No.DL 12-c 4280 and a motorcycle with broken number plate parked there. In the incident two persons namely Paramjit Sehrawat and Sandeep Sejwal had died and two were injured with bullets i.e. Ashok, the present petitioner and Rakesh Malik the complainant in the above-noted FIR. MLCs of injured were collected and on the statement of Manjit Sehrawat case FIR No.189/2014 under Sections 302/307/34 IPC & 25/27 Arms Act was registered.

In FIR No.189/2014, Sunny Phogat, Vijay Pal @ Sitta, and Rakesh Malik were arrested. While Rakesh Malik was in judicial custody, he sent a complaint dated 19th December, 2014 against Manjeet Sehrawat, Abhishek Narayan @ William, Ashok @ Kale the present petitioner, Sanjeev Sejwal @ Sanju, Aman Tewatia, Dinesh Sejwal @ Monu and another. In the complaint Rakesh Malik alleged that on 7th February, 2014 at about 6-6.30 pm he was passing through the way in front of D-7, Freedom fighter enclave, Mehrauli and found some public persons gathered. He stood there among the mob and saw that about 18-20 young men having pistol, iron rods, danda, baseball sticks were brutally beating two young boys with their weapons, fists and kicks in the office at D-7, Freedom Fighter Enclave, New Delhi. Rakesh Malik named Manjeet, Sanjeev Sejwal @ Sanju, Sandee, Praamjeet @ Mota, Aman Tewatia, Abhishek, Ashok and Dinesh as some of those persons. He stated that Manjeet Sehrawat, Sanjeev Sejwal and Pramjeet were having pistols and rest of them were having iron rods, baseball sticks and dandas in their hands. In the meantime, Paramjeet Singh

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@ Mota having pistol in his hand entered the office and threatened those people. Paramjeet fired at Rakesh Malik by his country made pistol but he succeeded to protect himself. Thereafter Sanjeev Sejwal fired at Rakesh Malik with the intention to kill him due to which complainant sustained multiple injuries with pellets on right chest, right thigh and on left side. Further all the accused named above attacked the complainant threatening “Agar Koi Bhi Beech Me Aaya Toh Use Jaan Se Maar Denge”. On the complaint of Rakesh Malik as noted above, FIR No.3298/2015 was registered under Sections 307/34 IPC as he had received gunshot injuries.

Thus, from the side of petitioner in FIR No 189/2014 Paramjit Sehrawat @ Mota and Sandeep Sejwal received gunshot injuries who died besides the present petitioner who also received gunshot injuries which were described as grievous in nature. From the side of Rakesh Malik, Rakesh Malik and Sunny Phogat received gunshot injuries whereas Vijay Pal received abrasions/bruises. Even accepting the version of Rakesh Malik, who is an accused in FIR No. 189/2014 there is no allegation that the petitioner Ashok @ Kalek fired at him. The allegation of firing are against Sanjiv Sejwal whose anticipatory bail application was dismissed by this Court vide order dated 1st April, 2016.

Considering the role attributed to the petitioner and that he was also injured in the incident, I deem it fit to grant anticipatory bail to the petitioner. Consequently, in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25000/- with two sureties of the like amount to the satisfaction of Arresting Officer/SHO concerned further subject to the condition that he will join the investigation

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as and when directed and will not leave the country without permission of the Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 18, 2016
‘v mittal’