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

+ BAIL APPLN. 1829/2016

HIRA LAL @ HEERA LAL Petitioner

Through: Ms. Jyoti Gupta, Adv.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.09.2016

Crl. M.A. 13940/2016

Allowed, subject to all just exceptions.

Application is disposed of.

Bail Appln. 1829/2016

Learned counsel for the petitioner submits that complainant started digging a pit in front of the house of petitioner and when he asked the complainant not to do so, complainant and his wife started abusing him. When petitioner objected to this, complainant's wife caught hold of petitioner's wife and started beating her. When petitioner tried to save his wife, complainant gave chisel (*chheni*) and hammer blows to him. When petitioner's son intervened he was also beaten up with chisel (*chheni*) blows. Resultantly, petitioner and his son sustained injuries. Petitioner got the FIR No. 389/16 registered against the complainant in the police station Nihal Vihar. Later on, petitioner came to know that complainant also got FIR No.388/16 registered against the petitioner and his family alleging therein that he, his wife and their son had sustained injuries as a result of beatings given by the petitioner and his aforesaid family members. Complainant party were discharged from the hospital on the same day.

Learned APP for the State contended that complainant got the FIR No. 388/16 registered first, inasmuch as, complainant and his wife suffered injuries. However, it has not been disputed that injured persons were discharged from the hospital on the same day. It has also not been disputed that petitioner and his son also sustained injuries in respect of the same incident. Keeping in mind totality of the circumstances, it is ordered that in case of arrest petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹15,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned police station. However, petitioner shall cooperate in the investigation and appear before the Investigating Officer as and when he is called upon to do so.

Application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

SEPTEMBER 07, 2016/ga