

\$~1.

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

+ **BAIL APPLN. 2694/2016**

MOHAN AKKAR

..... Petitioner

Through: Mr. M.L. Yadav, Advocate.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. G.M. Farooqui, APP along with
SI Parmendra Kumar, PS – Pahar
Ganj, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

30.12.2016

%

Crl. M.A. No. 20335/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2694/2016

The petitioner has preferred the present anticipatory bail application under Section 438 Cr.P.C. apprehending arrest in case FIR No.521/2014 under Section 324/ 323/ 326/ 341/ 34 IPC registered at PS – Pahar Ganj.

As per the complaint of the complainant, which forms the basis of the FIR, on 15.10.2014, while the complainant was going on a scooty at about

08:00 p.m. from S.P. Zone, Sadar Thana Road, Delhi and when he reached CPWD Office, Aram Bagh, Paharganj, Delhi, two persons namely Deepak and Dharmesh came on a motorcycle driven by Deepak. They stopped the complainant. In the meantime, allegedly three persons, including the petitioner came there on a separate motorcycle. On account of an earlier animosity, the complainant was attacked by the assailants, including the petitioner. So far as the petitioner is concerned, the allegation against him is that he attacked the complainant with a knife on the left hand and left leg of the complainant. The assailants fled on seeing the locals. Initially, Section 326 IPC was not added. However, the same was subsequently added in view of the medical report of the injured/ complainant.

The submission of learned counsel for the petitioner is that the complainant himself is a Bad Character of the area. He submits that the complainant falsely implicated Mohan Lal Meena as one of the accused. He was not even found present. Thus, the complainant is not credible and even the petitioner has been falsely implicated. He submits that the petitioner was receiving treatment on the date of the incident at a Government hospital, namely Lady Hardinge Hospital and Smt. Sucheta Kriplani Hospital, New Delhi. Learned counsel submits that the FIR was registered in the year 2014 and the petitioner has been called upon to join the investigation by issuance of notice and he has already joined investigation number of times. Therefore, there is no justification for his custodial interrogation. He further submits that after passage of two years, there is no justification for apprehending the petitioner for his interrogation.

On the other hand, learned APP points out that though the FIR was registered in the year 2014, since the complainant was extorted for a year,

investigation could not be carried out properly. The complainant had moved an application before the Trial Court to seek proper investigation and thereafter the pace of investigation has been picked up. The custodial interrogation of the petitioner is necessary since the knife used in the crime has to be recovered. The whereabouts of one of the other accused, namely Rajesh Meena are also not known and the petitioner has to be questioned on that account. Learned counsel further points out that the petitioner himself is a Bad Character of the area.

Looking to the seriousness of the allegations against the petitioner and the fact that recovery of the knife has to be effected as also the fact that earlier the investigation could not be carried out properly on account of externment of the complainant, I am not inclined to grant any relief to the petitioner at this stage. The fact that the petitioner may have received treatment, as aforesaid, does not militate against his alleged presence in the scene of crime and his participation therein.

Dismissed.

The observations made in this order shall not come in the way of the petitioner in the course of the trial.

VIPIN SANGHI, J

DECEMBER 30, 2016

B.S. Rohella