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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1582/2015
SURJIT @ PAJI & ANR

..... Petitioner

Through: Mr Amit Rao, Adv.
versus

STATE

..... Respondent

Through: Mr Hirein Sharma, Additional Public
Prosecutor for the State alongwith Mr
Hareshwar V. Swami, ACP/Seemapuri,
Delhi with Sub Inspector Somil Sharma

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 27.01.2016

This is application under Section 438 of Cr.PC moved by the petitioners for grant of anticipatory bail in case FIR No. 1283/2014 under Sections 3(1) (10) of SC/ST (Prevention of Atrocities) Act, 1989 registered at Police Station Nand Nagri, Delhi.

Counsel for the petitioners submits that this complaint is a counterblast to the case FIR No.418/2014 dated 14.05.2014 under Sections 323/341/34 IPC registered at Police Station Nand Nagri, Delhi. The present FIR was lodged by the complainant after a lapse of a period of 7 months. The investigation of the case is complete and the charge-sheet has already been filed by the Investigating Officer of the case. The allegations made in the complaint are false and provisions of SC/ST Act are not applicable in the instant case as such, the petitioners be granted anticipatory bail. Reliance in this regard is placed on **Sajjan Kumar v. State**, 2006 (132) DLT 18.

Learned Additional Public Prosecutor for the State assisted by Mr Hareshwar V. Swami, ACP/Investigating Officer of the case does not dispute that the initial complaint was filed by the complainant on 21.05.2014 but after enquiry the FIR was registered on 31.12.2014. During the course of investigation, it was found that both the FIRs pertained to the same incident dated 11.05.2014. It is further submitted that during the course of investigation, both the parties produced their witnesses who supported the version of each other. The petitioners had also sustained injuries. There was no ground for arrest as

such the charge-sheet was filed without arrest of the petitioners.

Counsel for the petitioners submits that after the filing of the charge-sheet, the petitioners appeared before the learned Metropolitan Magistrate and were granted liberty to approach Sessions Court for seeking bail as offence is triable by the Court of Sessions. The Sessions Court, however, dismissed the application. Therefore, the petitioners be granted protection.

Keeping in view the fact that the charge-sheet has already been submitted without the arrest of the petitioners and so far the case has not been committed to the Court of Sessions, as such it is ordered that the interim protection granted to the petitioners vide order dated 04.08.2015 will continue till the matter is committed to the Court of Sessions whereafter the petitioners will move appropriate application for grant of regular bail.

This bail application stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

JANUARY 27, 2016/*rd*