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

+ **BAIL APPLN. 1591/2015**

SABBIR

..... Petitioner

Through: Mr.Arvind Bambroo & Mr. Jeetender
Kumar, Advocates

versus

STATE (NCT OF GOVT OF DELHI)

..... Respondent

Through: Ms.Rajni Gupta, APP for the State
with ASI Jaiveer Singh, PS Karawal
Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.03.2016

1. The petitioner is seeking anticipatory bail in FIR No. 431/2015 under Sections 307/34 IPC. The co-accused in this case who allegedly caused the injuries has been released on regular bail.
2. The FIR has been registered on the statement of Mamta, wife of the injured, Azeem who is residing as tenant under the petitioner Sabbir. As per the FIR on the day of occurrence i.e. 24.6.2015 at 10 to 10:30 PM her husband reached home on his motor cycle and since there was water logging the dispute arose when her husband asked the landlord Sabbir to get the drain constructed and his reply that if he had any problem, he could get the drain constructed. In the meantime another resident of that house Alam and his wife Babli came out and started favouring the petitioner. At that time Alam came with a knife Sabbir and Babli caught her husband and Alam caused stab injuries. Thereafter all the three ran away. She informed PCR and her husband was removed to GTB hospital in ambulance.
3. Learned counsel for the petitioner submits that the role attributed to the petitioner is limited to the extent that he caught hold of the husband of

the complainant when the main accused Alam stabbed and caused injuries on the abdomen of her husband.

4. Learned counsel for the petitioner submits that the quarrel took place on a petty issue hence petitioner may be released on anticipatory bail.

5. In the case reported as ***Adri Dharan Das Vs. State of West Bengal*** 2005 III AD (SC) 73, the Apex Court has laid down the guidelines for release on anticipatory bail and in para 19 held as under :-

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance to maintain law and order in the locality. For these or other reasons, arrest may become inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well-defined and the jurisdictional scope of interference by the Court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interfere in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

6. Taking into consideration the role attributed to the petitioner that he allegedly facilitated Alam to cause stab injuries on the abdomen of the husband of the complainant by holding him, I do not find it to be fit case to release the petitioner on anticipatory bail.

7. The application is dismissed accordingly.

PRATIBHA RANI, J.

MARCH 17, 2016/ 'hkaur'