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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2215/2015 & CrI. MB 7957/2015
PREM KUMAR SAHU

..... Petitioner

Through: Mr Manjeet Singh and Mr Sunil, Advs.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr Ashok Kumar Garg, Additional Public
Prosecutor for the State alongwith Sub
Inspector Rajender Police Station Nand
Nagri, Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 28.01.2016

This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No.620/2015 under Sections 308/336/356/379/34 IPC Police Station Nand Nagri, Delhi.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case by the police in collusion with the complainant. The complainant is a notorious person of the area and is involved in several cases. The modus operandi of the complainant is extortion. He used to demand money from the petitioner and his brother and when they refused to give the amount, the complainant started harassing the petitioner and his brother as such a complaint was made by the petitioner. Three of the co-accused have already been released on bail. The petitioner has already joined investigation and is ready to further join the same as and when required as such he be released on anticipatory bail.

The application is vehemently opposed by learned Additional Public Prosecutor for the State inter alia on the ground that there had been quarrel between complainant and the petitioner for a long time. On 14.06.2015 at about 6.30 pm Vinod Chauhan called him at A-2, Block, Nand Nagari, Delhi for the purpose of settlement. When he was talking to Vinod Chauhan, in the meantime, petitioner – Prem Kumar Sahu alongwith Ajay Sethi, Jitender and Puneet came there and petitioner hit his head with a danda; Ajay Sethi hit his leg with a danda and Puneet hit his hand with a danda and Jitender hit him with a cricket stump due to which he fell down. The petitioner – Prem Sahu fired a bullet upon him while fleeing away which hit his right leg. His

chain and bracelet was snatched by Jitender. Someone called the police. PCR came and took him to GTB Hospital. Investigation revealed that the other cases were also registered against the petitioner. It is submitted by learned Additional Public Prosecutor for the State that there are serious allegations of inflicting injuries upon the person of the complainant. Although the petitioner has joined investigation but he did not cooperate during interrogation. He is a habitual criminal and involved in various criminal cases. The weapon of offence is required to be recovered. His case stands on different footing from that of the co-accused who have been granted anticipatory bail.

Keeping in view the seriousness of the allegations coupled with the fact that the role assigned to the petitioner is of giving a danda blow on the head of the complainant as well as firing bullet upon the complainant while fleeing away from the spot hitting the right leg of the complainant and the fact that the weapon of offence are required to be recovered, I do not deem it appropriate to grant anticipatory bail to the petitioner. The application is accordingly dismissed.

The interim protection granted to the petitioner by this Court vide order dated 14.10.2015 stands vacated.

The application stands disposed of accordingly.

Pending application also stands disposed of.

SUNITA GUPTA, J

JANUARY 28, 2016/*rd*