

\$~13

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

+ **BAIL APPLN. 2386/2015**

RANJEET SINGH

..... Petitioner

Represented by: Mr. Rajeev Sirohi, Adv.

versus

STATE OF DELHI

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Om Parkash, PS Badarpur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.09.2016

%

1. By the present petition, the petitioner seeks anticipatory bail in case FIR No.592/2015 under Sections 186/353/332/323/34 IPC registered at PS Badarpur on the complaint of SI Rajiv Kumar Yadav.
2. The allegations against the petitioner and his two sons are that on 16th September, 2015 Neelam wife of Anuj son of the petitioner approached PS Badarpur stating that her in-laws abandoned her and were not allowing her to enter the matrimonial home. She sought protection to get her luggage kept in her matrimonial home. On this complaint when SI Rajiv along with staff reached at H.No.6/9, 60 foota road, Badarpur and requested to permit entry of Neelam or return of her belongings, the in-laws misbehaved with the complainant. SI Rajiv along with staff tried to pacify the matter but they obstructed the lawful duty and caused injury to the police officials.
3. Video coverage of the incident was prepared by one of the persons which reveals that sons of the petitioner i.e. Balbir Singh and Amit Singh @

Anuj Singh injured the police officials whereas the petitioner gave exhortation.

4. When this petition came up for hearing, learned counsel for the petitioner stated that the police officers from the local police had not authority to permit re-entry of the complainant in the matrimonial home or take any action as the matter was pending before the CAW Cell. Thus, this Court called for a detailed status report as per which a matrimonial dispute was going on between Amit Singh @ Anuj Singh, son of the peititoner and his wife Neelam for which an inquiry was pending before CAW Cell, Sriniwas Puri. On 16th September, 2015 before visiting CAW Cell, the petitioner had given a complainant at PS Badarpur vide DD No.14B which was marked to SI Rajiv Kumar Yadav alleging that Neelam had been forcefully and illegally residing in their house for almost a year and they had out of sympathy allowed her to live in the said house. However, Neelam threatened them that she will get them implicated in false case. On this complaint DD 14B was entered into. The parties appeared before CAW Cell on 16th September, 2015 wherein the proceedings notes that Anuj Singh @ Amit Singh and Saroj Devi i.e. son and wife of the petitioner threatened before the inquiry officer CAW Cell that they were ready to go to jail but they would not allow Neelam to enter their house. The report also notes that two of them misbehaved with Neelam who left alone and as such since no reconciliation was possible, recommendation was made to register FIR on the complaint of Neelam and consequently, FIR No.632/2015 under Sections 498A/406/34 IPC was registered at PS Badarpur on 3rd October, 2015.

5. On 16th September, 2015 after Neelam returned from CAW Cell she

was not allowed to enter the matrimonial home and thus she called police. The two calls made were registered vide DD 27A and 28A at 4.54 PM and 4.57 PM. These two DDs were also marked to SI Rajiv Kumar Yadav in view of earlier DD 14B dated 16th September, 2015 being marked to him. Since the matter was not sorted out at the spot, both parties were called at the police station and sent back asking them to reconcile their differences with the help of lady staff but in vain. Ultimately the complainant Neelam requested her husband to provide her essential articles and cloths from home and a request was made to SHO to accompany her so that she could take her belongings. In view of these facts, officers of police station Badarpur visited the place of incident. When the police officials reached the spot and requested the in-laws to provide her shelter at night or return her belongings, they misbehaved with the complainant and police officials. SI Rajiv Kumar Yadav tried to pacify the matter however sons of the petitioner assaulted the police officials and caused injury to them. Though there is no allegation of assault by the petitioner however he torn the uniform of the police officials. On the basis of this act of the petitioner and his sons, FIR No.592/2015 noted above was registered.

6. After some arguments, learned counsel for the petitioner has already withdrawn applications for anticipatory bail filed by Anuj Singh @ Amit Singh and Balbir Singh i.e. the two sons of the petitioner as the role assigned to them is of beating the police officials but he presses the present petition.

7. Considering the fact that the petitioner is an aged person and the role assigned to him of tearing the uniform of police officials and not of causing injuries and that he is a government servant, I deem it fit to grant anticipatory bail to the petitioner. It is thus directed that in the event of

arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25000/- with one surety of the like amount to the satisfaction of Arresting Officer/SHO concerned and further subject to condition that he will join the investigation as and when directed by the investigating officer and will not leave the country without prior permission of the Court concerned.

8. Petition is disposed of.

9. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 20, 2016

‘vkm’