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

+ BAIL APPLN. 2604/2015

MANOJ KUMAR

..... Petitioner

Through: Mr.R.P.S.Bhatti, Advocate

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr.Sudershan Joon, APP for the State
with SI Kuldeep Singh PS Khajoori
Khas

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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26.05.2016

1. The petitioner is seeking anticipatory bail in case FIR No. 1247/2015 registered under Sections 186/353/332/506(B)/34 IPC at PS Khajoori Khas.
2. Learned counsel for the petitioner has submitted that the scooty can be seen parked in the police station in the photographs placed on record. He further submits that the dispute arose when the petitioner was going on scooty and was stopped by police and asked to show his Driving License and RC. Since the petitioner was not carrying RC and DL at that time, he sought time to bring the same and show it to the police officials on checking duty. At that time some altercations took place between him and police officials which has resulted in registration of this FIR.
3. The prayer for release on anticipatory bail has been rejected by learned ASJ recording as under:-

“On 13.11.2015, ASI Chandervir and Ct.Deepak who were on duty, had stopped two boys on suspicion travelling on a scooty. They both misbehaved and assaulted ASI Chandervir who sustained injury due to assault caused by them. They were also armed with country made pistol.

One of the alleged assailant Manoj had applied for anticipatory bail as the scooty in which they were travelling was seized by the police and on that basis he was wanted. His anticipatory bail was rejected by this Court and it is now informed that the Hon'ble High Court has stayed his arrest. It is further informed that the present applicant is not wanted as of now, as the name of second assailant is not known. IO further submits that the police has never approached the applicant at his house.

Hence, there is no apprehension of arrest of the applicant as of now. Application is accordingly dismissed being infructuous.

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4. In the status report it has been submitted that custodial interrogation of the petitioner is required in this case and the co-accused is also absconding.
5. Since as per the FIR at the time when the petitioner, who along with pillion rider was without helmet was signalled to stop for checking, they not only allegedly misbehaved with the police official on duty but also caused injury to ASI Chandervir Singh. The pillion rider allegedly took out a 'katta' (country made pistol) and pointed at the police party and fled.
6. Taking into consideration the fact that instead of carrying on driving license and RC, the petitioner was driving with the pillion rider armed with country made pistol and that police official on duty has been allegedly assaulted and criminally intimidated by showing 'katta', I do not find it a fit case to enlarge the petitioner on anticipatory bail.
7. The application is rejected.

PRATIBHA RANI, J.

MAY 26, 2016/'pg'