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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2651/2015
SANJAY BHASIN

..... Petitioner

Through Mr Ravinder Tyagi, Ms Kanishka and Ms Divya
Singhal, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Mr Hirein Sharma, Additional Public Prosecutor
for the State alongwith Sub Inspector Om Prakash
Police Station Shalimar Bagh, Delhi
Complainant in person with his father.

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 14.03.2016

This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No. 693/2015 under Sections 341/506/307/34 IPC and 27 Arms Act registered at Police Station Shalimar Bagh, Delhi.

The FIR in the instant case was registered on the basis of a complaint made by Sameer Chaudhary wherein he alleged that on 25.05.2015 at about 10.45 pm he was coming to his house from Shalimar Village, Delhi by his car. When he reached near Max Hospital, his car ran out of fuel and he parked it on the roadside. He stated walking towards his house for getting an empty container from his house for petrol. When he crossed the police booth near max hospital an *i-10* car stopped nearby him. Sanjay Bhasin, owner of Bhasin properties stopped him and pointed a gun at him and threatened to ask his father to stop giving false complaints against him otherwise he will shoot both of them. Sanjay Bhasin (petitioner herein) was accompanied by three other unknown persons in his car. On this a case FIR No.693/15 under Section 341/506/34 IPC was registered on 01.06.2015. During the course of investigation Section 27 Arms Act was added. On 28.07.2015, the complainant again came to Police Station and filed another complaint vide DD No.54B in which he stated that on 25.05.2015 after pointing his gun at him, petitioner Sanjay Bhasin pulled the trigger twice but due to some reason the bullet was not fired as such Section 307 IPC was added.

It is submitted by counsel for the petitioner that although the incident alleged to have occurred on 25.05.2015, however, the complaint was lodged only on 29.05.2015 and FIR has been finally registered on 01.06.2015. There is no explanation for this inordinate delay. Counsel further submits that initially FIR was registered under Section 341/506 IPC and Section 307 IPC was added later on after a supplementary statement of the victim was recorded which was also more than one and a half months later. No injury was suffered by the victim. Counsel further submits that there was

earlier a dispute between the petitioner and father of complainant pursuant to which an FIR was registered, however, the matter was amicably settled between the parties and the FIR was quashed. He further submits that pursuant to the notice under Section 160 Cr.PC, the petitioner had joined investigation and even after grant of interim protection, he joined investigation several times. The FIR is based on a concocted version as the petitioner is not even having an *i-10* car. He is having two cars – one *Hundai i-20* and *Chevrolet Cruise* which fact has been verified by the Investigating Officer of the case. Moreover, as per the mobile details, the petitioner was not even present at the place of incident. Father of the complainant is in the habit of filing false complaints against the petitioner with whom he had earlier business relations as such the petitioner be granted anticipatory bail.

In the status report filed by the State it is not disputed by the Investigating Officer of the case that the petitioner has joined investigation on several dates. The factum of the petitioner having two cars – one *Hundai i-20* and *Chevrolet Cruise* has also been verified. It is further reported that during investigation it has been found that no license of any weapon is in the name of the petitioner – Sanjay Bhasin. The call record of the petitioner establishes that at the time of alleged incident on 25.05.2015, the location of the petitioner was at Sector – 9, Rohini, Delhi which is around 3 kms from the place of incident. However, the application is opposed by learned Additional Public Prosecutor for the State.

Keeping in view the totality of the facts and circumstances of the case, it is ordered that in the event of his arrest:-

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.
- (iii) He shall furnish his address as well as his contact number to the Investigating Officer.
- (iv) He shall not threaten or coerce complainant or his father or any prosecution witness.

The application is accordingly disposed of.

Copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

MARCH 14, 2016/*rd*