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

+ **BAIL APPLN. 181/2017**

**NAVEEN @ BHOLI**

..... Petitioner

Through : Mr.Puspender Singh Dahiya,  
Advocate.

versus

**STATE OF NCT OF DELHI**

..... Respondent

Through : Ms.Meenakshi Dahiya, APP with ASI  
Virender Kumar, PS Mundka.

**CORAM:**

**HON'BLE MR. JUSTICE S.P.GARG**

**ORDER**

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**01.05.2017**

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.349/2016 registered under Sections 308/34 IPC at PS Mundka. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner had filed earlier anticipatory bail application 2626/2016 before this Court. It was dismissed by an order dated 21.12.2016 when the counsel for the complainant informed that the injuries sustained by the victim were 'grievous' in nature.

3. In the present bail application, specific information was sought from the complainant's counsel as to what was the nature of injuries sustained by the victim. On 23.02.2017, complainant's counsel

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informed that the natures of injuries could not be obtained due to non-availability of the doctor. Status report reveals that the nature of injuries has not been opined so far by the concerned doctor. No reasonable explanation has been offered as to why the nature of injuries has not been placed on record. Medical documents placed on record do not show if the victim was admitted in the hospital. Photocopy of the MLC filed along with the status report reveals that the patient had refused for admission and investigation. Hence, it was not possible to give opinion regarding nature of injuries.

4. Apparently, the nature of injuries as 'grievous' disclosed by the complainant at the time of dismissal of the earlier bail application was incorrect.

5. Taking into consideration all these facts, the petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹ 40,000/- with one surety in the like amount to the satisfaction of the SHO/Investigating officer. He shall, however, join the investigation as and when required.

6. The bail application stands disposed of.

**S.P.GARG, J**

**MAY 01, 2017 / tr**