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

+ **BAIL APPLN. 390/2017**

DEVENDRA SINGH

..... Petitioner

Through Mr.Dinesh Mathur, Sr.Adv. with
Mr.Abhay Kumar, Mr.Saurabh
Mishra and Mr.Himanshu, Advs.

versus

STATE (NCT) OF DELHI

..... Respondent

Through Mr.Panna Lal Sharma, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **06.03.2017**

Crl.M.A. 3774/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 390/2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.100/2017, under Sections 186/353/332/307/506 IPC, Police Station Vasant Vihar.

The facts in brief are that on 18.02.2017, complainant HC Ramesh Chand along with other police officials were on traffic duty. At about 12 noon, accused was seen coming in his car and he was talking with someone on his mobile phone while driving the vehicle. He was asked to stop the vehicle. On stopping, he was asked to show licence and other papers. Accused slightly lowered the window of the

car and answered rudely that neither he would show any paper nor parked his car on the side of the road. He also said that he would crush the complainant and nothing would happen to the accused. The complainant came in front of the car. The accused started the car and hit the complainant. The complainant caught hold of the wiper of the car and thereafter the accused drove the car for 200-300 meters, the complainant fell down and got injured. The challan machine with the complainant also broke due to falling on the ground.

On the basis of the statement of the complainant, FIR of the instant case was registered.

During the course of arguments, learned APP for the State on the instructions of the Investigating Officer has stated that the accused/petitioner is not required for custodial interrogation for the purpose of arrest.

So far as the offence under Section 307 IPC is concerned, there is no injury on the person of the complainant. It would be pertinent to mention that there is no violation of Motor Vehicle Act and no challan was issued to the accused for violation of any offence under the Motor Vehicle Act. It is also apparent that number of the offending vehicle which was allegedly driven by the accused was never flashed to get it caught or impounded.

In the above mentioned facts and circumstances, the bail application is allowed. It is hereby ordered that in the event of arrest of the accused/petitioner, he shall be released on bail on furnishing the personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the arresting officer. The accused is

directed to join the investigation as and when required; shall not tamper with the evidence and shall not influence the prosecution witnesses. He is further directed not to leave the country without prior permission of the court concerned.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

Bail application is accordingly disposed of.

P.S.TEJI, J

MARCH 06, 2017
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