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

+ **BAIL APPLN. 455/2017**

DALBIR SINGH

..... Petitioner

Represented by: **Mr. Mir Akhtar Hussain, Adv.**

versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: **Mr. Amit Ahlawat, APP with
SI Suraj PS Malviya Nagar.
Mr. Sunil K. Mittal, Mr. Kshitij
Mittal, Mr. Sushant Bali, Adv.
for complainant.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.05.2017

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No.91/2017 under Section 323/506/354 IPC and Section 8 of the Protection of Children from Sexual Offences Act (in short the POCSO Act) registered at PS Malviya Nagar.

2. Learned counsel for the petitioner contends that petitioner admittedly was not the aggressor and the complainant along with her daughter had come to the park where in front of everybody she started abusing him and rather after the initial discussion, the petitioner ran away from the place. However he was caught. The allegations of the petitioner are false and

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fabricated and have been levelled to settle the financial dispute between the parties. He further states that he has placed on record a CD of the calls made by the complainant who has been repeatedly hounding the petitioner to pay interest which she was taking on daily basis.

3. Learned APP for the State submits that the allegations against the petitioner are serious in nature. He has misbehaved and assaulted the complainant as well as her minor daughter. Not only he assaulted them he also abused and threatened them. Further the co-accused Suminder Singh has threatened a witness of the incident on phone and used abusive language against the daughter of the complainant.

4. Learned counsel for the complainant submits that though the petitioner before the Trial Court admitted that he had to give a sum of ₹4 lakhs to the complainant, however before this Court he has filed a false affidavit stating that he has no dues remaining against the complainant. In view of the seriousness of the allegations, the minimum sentence prescribed under Section 8 of the POCSO Act and the fact that the co-accused is threatening a witness of the case, no anticipatory bail be granted.

5. The complainant in her complaint which was received at the Police Station on 27th February, 2017 at 5.50 PM, though given earlier as per the version of the complainant, stated that she came in contact with the petitioner through one German Singh who happens to be her neighbour. The petitioner is a resident of Malviya Nagar and she had given him ₹2 lakhs at an interest @ 2 % per month and taken a cheque of ₹2 lakhs in return of the money given to the petitioner in November 2015. The said ₹2 lakhs were given by her by withdrawing ₹1 lakh from the HDFC bank account in the

name of the mother and ₹1 lakh from her own account. In the month of December, the petitioner returned ₹1 lakh to the complainant to gain confidence and thereafter took a further sum of ₹8 lakhs from her through cheques and in return gave her cheques of HDFC bank. Till the month of September, 2016 the petitioner paid regular interest to the complainant, however whenever she asked about the principal amount he stated that he needed one month. From time to time the complainant used to call the friend of the petitioner i.e. German Singh and also told him that she was unwell and required the money back. Since the month of October, 2016 the petitioner stopped paying interest and kept on changing his mobile number blocking the number of the complainant on several occasions. Whenever the complainant went to the house of the petitioner he was not available. Even German Singh kept on asking the complainant not to take any illegal action as he would get the money returned.

6. It is further alleged that on 26th February, 2017 at about 8.30 PM the complainant was told on phone by her friend that the petitioner was sitting in the Park at F - Block, Malviya Nagar. She went to the place along with her daughter and parked her car at the Gol Chakker. Since it was quite dark and the petitioner did not see the complainant entering, he was with a couple of other people, when the complainant requested him to return to her money that she was unwell. It is alleged that the petitioner pushed her saying “hatt Yaha Se”. He took out knife of Gurudwara from his pocket and pushed her and her daughter who was with her. Then he ran towards the Gol Chakker. Complainant and her daughter followed the petitioner and there were many other people also. The complainant and her daughter started shouting

‘*Bachao*’ and called some people on telephone to the Gol Chakker. In the meantime, the petitioner also called one Suminder Singh who is also a financier and he brought another person with him who abused the complainant. Thereafter the petitioner started his scooter and three of them sat on it and left the place. After the complainant gained her composure, she came to the Police Station with her daughter and gave the statement. Statement of the daughter of the complainant was recorded wherein she stated that the petitioner took out the knife threatened them and tried to hit her mother. When the daughter came in between, he pushed her by her breast and there were two more people who were present who were unknown to her.

7. As per the status report filed after the registration of FIR Suminder Singh the co-accused had called witness German Singh on phone and threatened him of dire consequences and used abusive language against the complainant and her daughter. With the present petition the petitioner has also placed on record a CD of conversation allegedly between the petitioner and the complainant wherein she has been repeatedly demanding money which fact has not been verified by the State despite notice.

8. Considering the fact that the allegations against the petitioner are that while he was sitting in the park the complainant and her daughter reached the place and demanded money on which he threatened by showing the knife and ran away by pushing them who was later followed and then altercation took place, this Court deems it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/-

with two sureties of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned and in case of change of address the same will be duly intimated to the Court concerned by way of an affidavit.

9. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 11, 2017
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