

\$~68

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

+ **BAIL APPLN. 515/2017**

GAURAV BHARDWAJ

..... Petitioner

Represented by: **Mr. Gurmehar S. Sistani, Adv.**

versus

STATE

..... Respondent

Represented by: **Ms. Meenakshi Chauhan, APP
with Insp. Anil Malik, SI
Vikram Singh PS Greater
Kailash.
Mr. A.K. Tripathi, Adv. for
complainant.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.03.2017

%

1. By the present petition the petitioner seeks regular bail in case FIR No.386/2015 registered under Section 307 IPC at PS Greater Kailash on the complaint of Konark Verma.

2. The allegations of Konark Verma in the FIR are that on 22nd August, 2015 he along with his friend Nitin Khanna went to the house of the petitioner to attend a party at E-67, Greater Kailash Enclave-I where accused was present with his girl friend. When his girl friend went to kitchen for taking water, Nitin Khanna followed her. In the meantime petitioner also

BAIL APPLN. 515/2017

page 1 of 3

went to the kitchen and the complainant heard the sound of slapping. When the complainant went inside the kitchen, he saw that the petitioner had caught hold of the neck of Nitin. Somehow he separated two of them. Later on the petitioner caused injury to Nitin by a kitchen knife.

3. It may be noted that on the complaint of the girl friend of the petitioner case FIR No.388/2015 under Section 354/354A/509/323/506/34 IPC was registered against Konark Verma and Nitin wherein she alleged that Nitin misbehaved with her with the result Gaurav intervened. However since both Konark Verma and Nitin were drunken and in an abusive mode using obscene language to complainant therein, the petitioner to save his girl friend showed the kitchen knife.

4. Since the petitioner had been declared a proclaimed offender on 19th January, 2016 this Court dismissed his anticipatory bail application on 14th February, 2017.

5. As noted by this Court in the order dated 14th February, 2017 the genesis of the occurrence is not disputed because as per both the complaints the incident had happened after Nitin followed 'V' in the kitchen and apparently due to his misbehaviour with her, the petitioner followed and intervened to save her modesty. The only dispute between the two complaints is whether the injury was inflicted to Nitin as self-defence of 'V' or in retaliation.

6. Considering the nature of allegations and that after one day Police custody remand no further Police custody remand was granted, this Court deems it fit to grant bail to the petitioner. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of

₹25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court, further subject to the condition that he will join the investigation as and when called for 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 intimated to the learned Trial Court by way of affidavit.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 28, 2017
‘ga’