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

+ **BAIL APPLN. 599/2017**

JITENDER DABAS

.....Petitioner

Through: (appearance not given)

versus

STATE (NCT OF DELHI)

....Respondents

Through: Mr. Akshai Malik, APP for State with
SI Nikhil Singh, PS Kanjhawala.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **31.08.2017**

Crl.M.A. 10533/2017(Exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

Crl.M.A. 10522/2017(Addl. Doc)

The present application is filed for taking additional documents on record.

Allowed.

Application stands disposed of.

BAIL APPLN. 599/2017

1. By way of the present petition filed under Section 438 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') the petitioner seeks **grant of anticipatory bail** in FIR No. 490/2016 under Sections 394/427/34 of the Indian Penal Code, 1860

(hereinafter referred to as 'IPC'), registered at Police Station Kanjhawala, Delhi. Status report is on record.

2. Brief facts of the present case are that on 23.11.2016 at about 08:30 p.m., the complainant/Naveen was returning home in his Swift Dzire car alongwith his cousin brother Sandeep Kumar from his plastic factory and when he reached near Baba Hari Dass Service Station, he was obstructed by one Dharmender/co-accused. Thereafter, one Jitender/petitioner-accused attacked the complainant with lathi, danda and rods and snatched his gold chain. Other associates also joined the petitioner and damaged the complainant's car with axe, danda and rods etc. Besides this, the complainant was also dispossessed of one mobile, Pan Card, driving license, cheque book, cash amounting to Rs1.5 lakhs and a purse having Rs.10,000-12,000/-. Complaint was registered on 29.11.2016. Since then accused Jitender/petitioner, Dharmender and Hemant have been absconding, to avoid arrest.
3. The present petitioner filed an application for seeking bail, which was dismissed vide order dated 21.12.2016 by the ASJ. Hence the instant bail application.
4. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case by the respondent to extort money; that the petitioner and the respondent are known to each other, thus there are no grounds of petitioner robbing the respondent; that a minor dispute took place on 23.11.2016 between the petitioner and the respondent, for which complaint was registered after six days i.e. on 29.11.2016; that as a matter of fact,

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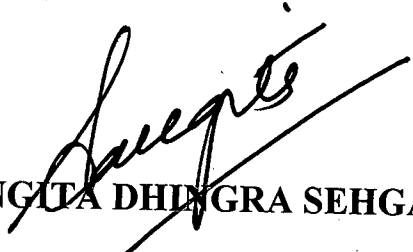
on the date of incident, the respondent trespassed into petitioner's service station and threatened the petitioner and his family members; that the police refused to register the complaint of the petitioner against the respondent despite repeated requests. Counsel further submitted that the petitioner is ready and willing to join investigation as and when required.

5. Refuting the contentions of the petitioner, Mr. Akshai Malik, learned APP appearing for the State strongly opposed the anticipatory bail application and submitted that the petitioner has been charged with a serious and grave offence and that the petitioner is required for custodial interrogation, to recover the robbed articles belonging to the respondent; hence, the present bail deserves dismissal.
6. I have heard the arguments advanced by learned counsel for the parties and perused the material available on record.
7. Perusal of the F.I.R. reveals that the complainant was beaten up by the accused persons in the service station and the car of the complainant was also badly damaged by the accused persons using Axe, Danda and Rods. Status Report filed by the State confirms the fact that during investigation, the damaged car was found at the spot and Mechanical Inspection Report of the car clearly corroborates the version of the complainant as mentioned in the FIR that the car was badly damaged by the accused persons. MLC of the complainant also suggests physical assault with multiple bruises over back of chest, abdomen, left thigh and abrasion and tenderness over other body parts. Though the injuries are simple in

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nature, but it points out towards the occurrence of the incident.

8. From the perusal of the facts and circumstances of the matter which has emerged on record and keeping in mind the allegations against the petitioner that the robbed articles are yet to be recovered the petitioner needs to be interrogated in custody. The discretionary relief of anticipatory bail cannot be extended to the petitioner. Hence the application for anticipatory bail stands dismissed.
9. Observations made in the order shall have no impact on the merits of the case.
10. Accordingly, the petition stands disposed of.


SANGITA DHINGRA SEHGAL, J

AUGUST 31, 2017

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