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

+ **BAIL APPLN. 1843/2016**

MOHD. SIRAJUDDIN

..... Petitioner

Represented by: Mr. Sanjeev Sahay, Ms. Jhum
Jhum Sarkar, Advs.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Habib Ahmed PS Shahdara.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.02.2017

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1. By the present petition the petitioner seeks anticipatory bail in case FIR No.301/2016 under Sections 323/341/356/379/34 IPC registered at PS Shahdara on the complaint of one Akram Khan.

2. Learned counsel for the petitioner submits that admittedly payment of the second-hand car which has been purchased was by cheque which has been encashed and thus there is no material with the prosecution to show that ₹2 lakhs was outstanding against the petitioner. In any case to claim his commission, the complainant could not have pressurized the petitioner through Police Officer. The FIR is thus an abuse of the process of law.

3. The allegations of Akram Khan in the complaint are that he was doing the business of buying and selling cars in the name of Aman Motors at

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Naveen Shahdara. Around a month back from the date of incident, he had sold a car to Shakil Malik, S/o petitioner but he did not pay the entire amount. In this regard he made a complaint to the Police station, Welcome which was being inquired by HC Qamar Abbas. HC Qamar Abbas called the complainant at the office of Shakil Malik for discussion where during the course of negotiations Shakil Malik got angry, where after the petitioner also got angry. When the complainant tried to escape, Shakil, Wasim, Shamim and Shabir stopped him and started beating him. HC Qamar Abbas tried to save him from those people, however he was still given beatings. In the process Shamim Malik fell down due to scuffle and got injured from the chair. The complainant tried to record the incident on his mobile phone which was snatched by Shakil Malik and the memory card was thrown. The allegations against the petitioner are that he threatened that in case the complainant came again to ask for the money he would break his bones.

4. A perusal of the MLC of Akram Khan shows no external injury except redness on the eyes and nose. The injury has been opined to be simple in nature whereas Shamim Malik received a lacerated wound on occipital region and complained of pain in the right hand.

5. Considering the nature of injury to the complainant which occurred in a scuffle on the spur of the moment and the role attributed to the petitioner is of threatening, 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 one surety 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. Any change in the residential address will be intimated to the Court concerned by way of affidavit.

6. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 28, 2017
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