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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1008/2017**
SHRI GURMEET SINGH

..... Petitioner

Through: Mr.Ashwin Vaish and Mr.Vinod
Pandey, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Kamal Kr. Ghei, APP for State
with SI Laxman Kumar, P.S. Rajouri
Garden, Delhi.
Mr.R.S.Malik, Advocate for the
complainant.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
22.09.2017

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This is an application under Section 438 Cr.P.C. filed on behalf of the petitioner for grant of anticipatory bail in case FIR No.172/2017, under Sections 147/148/149/307/323/324/452/506/34 IPC, registered at Police Station Rajouri Garden, Delhi.

Learned counsel for the petitioner has submitted that the petitioner is apprehending his arrest in the above case from the police officials of Police Station Rajouri Garden, Delhi. Counsel further submits that the alleged incident has taken place on 07.04.2017 at Subhash Nagar, New Delhi wherein the complainants were the aggressors who have given beatings to the petitioner and his friends from the other side. Counsel further submits

that to this effect the petitioner herein has given a complaint on 10.04.2017 to the Governor of Delhi, Commissioner of Police and DCP (Rajouri Garden), Delhi. Counsel further submits that the injured have already been discharged from the hospital and after grant of protection by this Court, the petitioner has joined the investigation several times and the petitioner is not required for further investigation and nothing is to be recovered at the instance of the present petitioner . Counsel further submits that as regards the allegation of *danda*, wood stick and swords is concerned, there is no mark on the same and hence recovery of the same cannot be effected and however, if there is any specific mark and is found in his possession, the petitioner is ready to surrender and hand over the same to the police station and submits that the petitioner may be released on anticipatory bail. Counsel further submits that since there is a cross version of allegations, therefore, the argument of the learned APP for the State loses its significance. Counsel further submits that the allegation of proceedings under Section 82 Cr.P.C. is factually wrong as before that the petitioner was on the anticipatory bail in the morning by this Court. In support of his arguments, counsel relied upon the following judgments:

- (i) *Jagram vs State of Rajasthan, Bail Appln.no.2543/1987***
- (ii) *Gurdev Singh Vs. State of Punjab, Criminal Misc.No.M-19301/2013 and***
- (iii) *Jagdish Nautiyal vs. State, Bail Appln.No.1317/2012***

Learned APP for the State vehemently opposes the bail application and submits that the incident is of 07.04.2017 whereas the complaint has been made to the police on 09.04.2017 and the same is after-thought just to

create a pressure on the complainant. He further submits that there was no injuries on the person of the petitioner and no MLC was prepared for the same and till date no private MLC has been supplied by the petitioner to the police and there is no cross-case in the present case and the present FIR is the only case. Learned APP for the State, however, submits that the five injured persons have been discharged from the hospital and the injuries received by the injured persons were opined to be sharp and grievous leading to disability. Learned APP further submits that the petitioner has joined the investigation. He further submits that the benefit of anticipatory bail is for the persons who are law abiding and not for the persons who have no respect for law and who are indulging in riots. He further submits that the CD of the incident indicates that the petitioner was carrying swords in their hands and attacking the complainant side and because of their said act the whole society is under the fear and the petitioner is roaming freely on the road and hitting the persons on the road. He further submits that the CCTV footage indicates that the petitioner was actively participating in the incident. He further submits that the petitioner belongs to the different community.

Heard learned counsel for the parties and perused the record.

What is emerging on the record is that a misunderstanding has arisen between two groups of people having different community. There are allegations and counter allegations coming on record. The petitioner himself has made a complaint to the Governor of Delhi, Commissioner of Police and DCP (Rajouri Garden) on 09.04.2017. The factum of injured persons being discharged from the hospital has not been disputed by the other side. Joining of investigation by the petitioner has also not been disputed by the

State. The ground taken for denial of anticipatory bail to the petitioner is that weapon of offence is yet to be recovered. The so-called weapon of offence is not specific and there is only mention of sword and *dandas*. Both groups are living in the same locality and the petitioner has joined the investigation.

In these circumstances, the petitioner is directed to join further investigation as and when directed and in the event of his arrest, the petitioner be released on anticipatory bail, on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount, to the satisfaction of the IO/SHO concerned with the condition that:

- (i) the petitioner shall not leave the country without prior permission of the concerned Court below;
- (ii) the petitioner shall not tamper with the prosecution evidence;
- (iii) to make sure the safety of the people in the area, the petitioner shall make himself present before the SHO of concerned Police Station on the first day of every month till the disposal of the case.

The present bail application is allowed and stands disposed of in the above terms.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

SEPTEMBER 22, 2017

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