

§-24 & 25 (common order)

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

+ BAIL APPLN. 1046/2017

ANKUSH SACHDEVA Petitioner

Through: Mr. Sumit Choudhary, Advocate

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. Tarang Srivastava, APP
Mr. Manoj Ohri, Sr. Adv. with Mr. K. Singhal,
Adv. & Mr. Siddharth Mittal, Adv. for
complainant.

+ BAIL APPLN. 1047/2017

SANIL SACHDEVA Petitioner

Through: Mr. Sumit Choudhary, Advocate

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. Tarang Srivastava, APP
Mr. Manoj Ohri, Sr. Adv. with Mr. K. Singhal,
Adv. & Mr. Siddharth Mittal, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **29.05.2017**

Crl. M.A.9363/2017 (exemption) in BAIL APPLN. 1046/2017

Crl. M.A.9368/2017 (exemption) in BAIL APPLN. 1047/2017

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

BAIL APPLN. 1046/2017 Etc.

Page 1 of 4

2

BAIL APPLN. 1046/2017
BAIL APPLN. 1047/2017

Status report filed.

Both these applications arise out of FIR No.187/2017 registered on 14.05.2017 of Police Station Model Town in which investigation is being carried out for offences allegedly committed under Sections 323/452/506/34 IPC.

Having heard the learned counsel for the petitioners, for the first informant and the learned Additional Public Prosecutor for the State and having gone through the record of investigation carried out thus far, it appears that the dispute relate to the possession of the first floor portion of property bearing no.14, Model Town, North Extension, Delhi-110 009. Concededly, the said property belongs to the first informant Sahil Gupta, it appears that the first informant and his family would live at the ground floor portion while the family described as "Dawar family", members whereof are alleged to have committed the offences, with the active assistance of others, being erstwhile tenants at the first floor portion, the second floor portion being in the possession, as tenants, of "Sachdeva family", of which the two petitioners herein are members.

It is the case of the first informant that Dawar family had vacated the first floor portion of its own on 11.05.2017 but on the very next date, i.e., 12.05.2017 they converged at the property again and barged into the portion through the common staircase and eventually entered the premises previously under their tenancy forcibly. As per the FIR, at the time of the said incident, amongst others, the two petitioners and one Amar Sachdeva

3

(also described as Aman Sachdeva) another member of Sachdeva family, had also gathered at the scene in the stairwell and thereafter had entered the premises, along with others, particularly the Dawar family, with the help of certain persons with shady past including one person now identified as Kapil Nagar, who and his father are facing several criminal cases. Allegations have been made about Aman Sachdeva having been very pro-active in extending threats and exhorting others to commit the assault leading to the offences in the nature of those punishable under Sections 323/506/34 IPC.

Having gone through the record of investigation thus far carried out, it is clear that aside from the petitioners also having entered into premises in question with the others, there is no active role attributed to either of them. The investigation is likely to take quite some time to conclude.

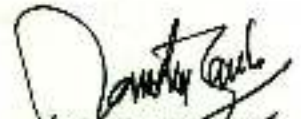
In the meantime, the counsel on their behalf submitted that the Sachdeva family is not inclined to continue with the tenancy of the second floor and would like to buy peace by entering into amicable settlement with the first informant and vacate the said portion at the earliest.

In the above facts and circumstances, the petitioners deserve some protection. It is directed that in the event of petitioners Ankush Sachdeva and Sanil Sachdeva being arrested in case FIR No.187/2017, under Sections 323/452/506/34 IPC of Police Station Model Town they shall be released on bail on their furnishing personal bonds in the sum of Rs.25,000/- each with one surety each in like amount to the satisfaction of the arresting officer, subject to the conditions that they shall continue cooperating with the investigation and join the same as and when called upon to do so and shall not come in contact with or try to influence any of the witnesses connected

4
to the case.

It is made clear that this order will inure only till the date of first appearance of the petitioners in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against them by the court of cognizance.

Dasti.


R.K. GAUBA, J.

MAY 29, 2017
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BAIL APPLN. 1046/2017 Etc.

Page 4 of 4