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

+ BAIL APPLN. 2594/2016

INDRAPAL SINGH

..... Petitioner

Represented by: Mr. Kirti Uppal, Sr. Adv. with
Mr. Harsh Kumar, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with SHO Akash Rawat, PS
NDRS.

+ BAIL APPLN. 2595/2016

VIJAY KUMAR

..... Petitioner

Represented by: Mr. Kirti Uppal, Sr. Adv. with
Mr. Harsh Kumar, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with SHO Akash Rawat PS
NDRS.

+ BAIL APPLN. 2596/2016

CHANDRAPAL SINGH

..... Petitioner

Represented by: Mr. Kirti Uppal, Sr. Adv. with
Mr. Harsh Kumar, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP with
SHO Akash Rawat, PS NDRS.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.01.2017

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BAIL APPLNS. 2594-2596/2016

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1. The petitioners were arrested on 7th January, 2016 and granted interim bail by the learned Trial Court on the same day in case FIR No.10/2016 under Sections 452/323/354/354B/394/34 IPC registered at PS New Delhi Railway Station wherein Section 376 IPC was added later on. On 8th February, 2016 the application for bail was dismissed. After 8th February, 2016, one of the co-accused Divya Jyoti Singh filed an anticipatory bail application before this Court being Bail Application No.317/2016 wherein this Court granted interim protection to Divya Jyoti Singh. Thereafter, a memorandum of understanding was entered into between Divya Jyoti Singh and Vikas Garg on 25th February, 2016. After the settlement between the parties, marriages between Divya Jyoti Singh and Vikas Garg as well as Hemendra Pal Singh and Sakshi Tomar were dissolved by decree of divorce by mutual consent. Thus, the parties acted partially on the settlement arrived at between them.

2. In view of the settlement arrived at between the parties, this Court on 29th September, 2016 in Bail Application No.317/2016 granted anticipatory bail to Divya Jyoti Singh and disposed of the application. The fact that parties have settled the matter and divorce by mutual consent had been granted was also noted in the order dated 29th September, 2016.

3. Crl.M.C. 3667/2016 was filed by the accused in FIR 10/2016 i.e. Divya Jyoti Singh and others for quashing of the FIR, which is pending before this Court and listed on 14th March, 2017. When the petition seeking quashing of the said FIR came up, Vikas Garg stated that in the memorandum of understanding, it was noted that the parties would withdraw the civil and criminal litigation except FIR No.10/2016. However, in the Bail Appln. Nos.2594-2596/2016

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divorce petition being HMA No.1187/2016, Vikas Garg made a statement that besides acting upon the memorandum of understanding dated 25th February, 2016 between the parties, on an application filed by Divya Jyoti Singh for quashing of FIR No.10/2016 under Sections 452/394/323/354/354B/34 IPC registered at PS New Delhi Railway Station, he would cooperate with Divya Jyoti Singh for quashing of the said FIR. Thus, Vikas Garg, the ex-husband of Divya Jyoti Singh is now trying to retract from his statement made before the Family Court at the time of recording statement for second motion that he will cooperate in quashing of FIR No.10/2016.

4. The petitioners filed applications seeking anticipatory bail before the learned Additional Sessions Judge which were dismissed as withdrawn vide order dated 4th November, 2016 with liberty to file fresh one. Pursuant to withdrawal of the anticipatory bail applications on 4th November, 2016, the petitioners preferred the present petitions seeking anticipatory bail.

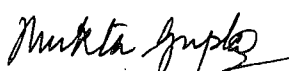
5. As noted above, the petitioners Inderpal Singh, Vijay Kumar and Chandrapal Singh had been arrested on 7th November, 2016, granted interim bail on the same day which was finally dismissed on 8th February, 2016 whereafter settlement had been arrived at between the parties and parties partially acted thereupon. The present applications for anticipatory bail are not maintainable as the petitioners have already been arrested. In view of this position, learned counsel for the petitioners seeks leave to withdraw the present petitions with liberty to approach the learned Additional Sessions Judge for Regular Bail.

6. Considering the fact that after settlement, the parties have acted

thereon, liberty is granted to the petitioners to appear before the concerned Additional Sessions Judge and seek regular bail, who would take into consideration all the relevant facts including that after the settlement was arrived at between the parties, the parties have partially acted thereon.

7. Copy of the statement of the parties recorded at the time of second motion in the petition for divorce by mutual consent is taken on record.

8. Petitions are disposed of accordingly.


MUKTA GUPTA, J.

JANUARY 18, 2017
'v mittal'