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IN THE HIGH COURT OF DELHI AT NEW DELHI

Order reserved on 05th December, 2017

Order pronounced on 07th December, 2017

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BAIL APPLN. 2264/2017

WAJID KHAN

....Petitioner

Through: Mr. Saleem Ahmad and Ms. Charu Dalal,
Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

....Respondent

Through: Mr. Arun Kr. Sharma, APP for State with
SI Dinesh Kumar, PS: Jamia Nagar.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. By this present application filed under Section 438 of Cr. P.C., the petitioner seeks **Anticipatory Bail** in case FIR No. 610/2017 under Section 323/365/342/34 of Indian Penal Code, 1860 (herein referred to as '**IPC**') registered at Police Station – Jamia Nagar, New Delhi.
2. The brief and necessary facts to dispose of the present petition is that on 05.09.2017 around 4 p.m. a PCR call regarding kidnapping of a teacher from Government School, Noor Nagar, Delhi was received at Police Station - Jamia Nagar and the same was entrusted to ASI Prakash Chand, who reached at the spot and found the complainant has already went to the police station; that ASI Prakash Chand returned to police station and met the complainant, who informed him that he has sustained injuries; medical examination of the complainant was conducted; that complainant tendered a written complaint against the petitioner alleging that on

05.09.2017 at about 4:00 p.m., petitioner called him at main gate of the school where the petitioner along with his associates grappled on his face and forcibly pulled him inside the car and gave beating with fists and kicks; that when the car stopped at Jamia Chowk, he managed to escape from the car and ran towards police station.

3. During investigation the statement of eye-witness has been recorded, who stated that on 05.09.2017 around 4-4:15 PM accused Wajid Khan along with his brothers and two other persons forcefully pulled the complainant in his white colour fortuner car. They ran towards Tikona Park, Jamia Nagar, he tried to stop them but they fled away. He called 100 number and informed the police.
4. The counsel for the petitioner contended that the petitioner is a social worker and presently the councillor of his area. He has been falsely implicated in this case and in fact the petitioner had received a call from a person namely Ikram stating that the complainant is not allowing him to enter in the school and when this person gave his phone to the complainant to talk to the petitioner then the complainant misbehaved with him on the phone. A complaint was also made by him to the Deputy Director of Education in this regard. On 05.09.2017, the petitioner went to the school to meet the Principal in routine being the councillor where the complainant was standing at the gate and when the petitioner revealed his identity, the complainant and his associates started abusing him and further started mishandling and gave beatings to the petitioner for which petitioner also lodged an FIR No. 611/2017 against the complainant under Section 323/341 IPC. The counsel

further stated that the parties entered into a compromise and the petitioner has also joined the examination.

5. Per contra, APP for the State vehemently opposed the bail application and contended that the offences being non-compoundable, a compromise cannot be arrived at; that on 05.09.2017, a call was received at PCR regarding kidnapping of a teacher from the school and later the complainant contacted the police and lodged the complaint in the Police Station – Jamia Nagar.
6. I have heard the submissions made on behalf of both the sides and also gone through the contents of the petition and the record of this case.
7. In the instant case, a call regarding kidnapping of a government teacher received at PCR and the complainant himself came to the police station to lodge the complaint against the petitioner and his medical examination conducted. As far as Memorandum of Understanding/settlement arrived at between the parties is concerned, it is pertinent to note that the allegations against the petitioner are non-compoundable offences.
8. Considering the facts and circumstances of the case and the fact that the investigation is at preliminary stage, the allegations levelled against the petitioner are serious in nature and are non-compoundable. Further, during investigation the eye-witness have reiterated the allegations of kidnapping and abduction against the petitioner. Therefore, this Court is not inclined to grant Anticipatory Bail to the petitioner at this stage.

9. Before parting with the above order it is made clear that the observations made in the order shall have no impact on the merit of the case.
10. The bail application stands disposed of.

SANGITA DHINGRA SEHGAL, J

DECEMBER 07, 2017
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