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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 56/2018 & CRL.M.A. 461/2018**
GULSHAN BABBAR Petitioner

Through: Mr. Manoj Kumar Gahlot & Mr.
Ujjwal Puri, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Kamal Kr. Gheir, APP for State.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **19.03.2018**

The documents that have been sought to be filed by the State on 07.02.2018 directed to be filed in a sealed cover are on the record. The said documents have been opened and the same are photographs of the injuries inflicted on the complainant.

On behalf of the State, the MLC bearing no. E/247514/17 of the date of examination 19.10.2017 is on the record which detailed the injuries sustained by the injured to the effect:-

- “1. Lacerated wound of size 0.5X0.8 cm & muscle deep present over lower aspect of right thigh.*
- 2. Contusion of size 4 cmX3cm present over right side of face just below the right eye.*
- 3. Lacerated wound of size 3cm X 1.5 cmX skin deep present over external surface of left forearm.*
- 4. Contusion of size 8cm X 4cm present over lower aspect of left thigh.*

-Inj. T-T. 0.5 Amp. i.m. Stat

-Inj. Voveron 1 Amp. i.m. Stat

Injuries no. 1 to 4 – Blunt

and MLC bearing no. E/247515/17 of the date of examination 19.08.2017 is on the record which detailed the injuries sustained by the injured to the effect:-

“1. Swelling over left knee medial side.

2. Incised wound over left ear avricle 3X1 cm skin deep.

3. Incised wound 5X 0.35 cm skin deep over right forearm over flexor aspect, tailing present.

4. Laceration over left parietal region 5.5X 1cm scalp deep.

5. Incised wound over left cheek 2X 0.5 cm assantt.

-Inj. T-T 0.5 ml i.m. Stat

-Inj. Voveran i.m. Stat

-Refer to SE-12

Injuries no. 1 & 4 --- Blunt.

Injuries no. 2, 3 & 5---- Sharp.

The documents that are placed in a sealed cover are the photographs in relation to the said stated injuries qua the MLCs on the record.

On behalf of the applicant, it has been submitted on behalf of the applicant that the applicant has been falsely implicated in the instant case and that there had been a settlement also arrived at between the parties as brought forth through the averments made in the FIR itself that a settlement dated 20.10.2017 between the parties

and that subsequent thereto injuries were also sustained by the applicant which were inflicted by a police officer in relation to which a vigilance inquiry is also pending which is conducted by the Assistant Commissioner of Police. The pendency of the said proceedings against the police officer concerned has also been affirmed on behalf of the State during the proceedings dated 11.01.2018.

Vide proceedings dated 07.02.2018, on the submission of the status report of the State in relation to previous cases against the applicant, a fresh status report had been called for from the State which indicates to the effect that in relation to the FIR No. 186/91, PS Mukherjee Nagar under Sections 186/342/379/34 of the Indian Penal Code, 1860, FIR No. 439/2001, PS Mukherjee Nagar under Sections 186/353/332/342/34 of the Indian Penal Code, 1860 and FIR No. 348/03, PS Civil Lines Karnal Haryana under Sections 420/467/468/471/379/411/201 of the Indian Penal Code, 1860, the applicant had been acquitted in relation thereto. The said status report however, indicates the pendency of the proceedings in relation to FIR no. 163/11, PS Mukherjee Nagar under Sections 325/34 of the Indian Penal Code, 1860.

It has been submitted on behalf of the applicant that the MLC in the present case in relation to the FIR No. 185/17, PS Rajinder Nagar lodged on the complaint of the complainant indicates that the nature of the injuries sustained by the injured have been opined to be simple by the doctor and it has been submitted that the applicant has always been willing to join the investigation and has joined the investigation

in the proceedings pursuant to the directions of this court dated 10.01.2018, 11.01.2018 and 07.02.2018. It has also been submitted on behalf of the applicant that the non-grant of the prayer made by the applicant in the instant case would be prejudicial to the applicant and that furthermore, the applicant can always face trial in the instant case and cannot be penalized before the adjudication of the case on merits.

On behalf of the State, the application has been vehemently opposed placing reliance on the injuries sustained by the injured and the corroboration by the MLC on the record.

Without any observations on the merits or demerits of the case, on a perusal of the photographs of the injuries placed on the record and the corroboration of the injuries through the MLCs of the injured on the record, the number of injuries inflicted on the injured and the portions of her person on which the injuries have been inflicted, negate the grant of anticipatory bail.

On behalf of the State, it has been submitted that the applicant's custodial interrogation is required for the recovery of weapons of assault.

All interim protections granted in the instant case are withdrawn.

The application is rejected and disposed of accordingly.

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

ANU MALHOTRA, J

MARCH 19, 2018
NC