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

+ BAIL APPLN. 271/2018 and CrI.M.A.2049/2018

DEEPAK KHATTAR

..... Petitioner

Through: Mr. K.K. Manan, Senior Advocate
with Ms. Shivani Kant, Mr. Rashi Pal,
Ms. Akanshaj Mehrotra, Mr.
Shashank Singh, Mr. Mukul
Aggarwal, Mr. Shikhar Tandon &
Mr. Lalrotulangi, Advocates

versus

STATE (THE NCT OF DELHI)

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State
Mr. Vipin Bhasker, Advocate for
complainant along with complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.08.2018

In the FIR No.186/2017 of Police Station Mayapuri, allegations for offences punishable under Sections 323/3088/506/34 of Indian Penal Code, 1860 (IPC), have been made *inter alia*, against the petitioner and his two sons Praveen and Lokesh, the incident which is the subject matter of the investigation in the said FIR being of 09.07.2017. It appears that both the petitioner and his sons and the complainant work for gain as hawkers from particular places in the vicinity of each other in the area of Nangal Rai flyover. The petitioner and the first informant are brothers to each other. It appears that there is a history to the dispute between two of them, assumably, going by the allegations in the case, arising out of business rivalry.

The trigger for the incident is alleged to have come on account of complainant taking exception to a customer parking his scooter in front of his place of business asking him to move ahead on which the petitioner herein got provoked and at his instance the first informant was assaulted, his son Praveen Kumar allegedly using a wooden stick to cause injury on the head.

The petitioner and one of his sons Lokesh Kumar had earlier moved bail applications (Nos.1896/2017 and 2001/2017) for similar relief which were declined by order dated 04.01.2018 by a co-ordinate bench (presided over by Sangita Dhingra Sehgal, J.).

The present application for similar relief was presented in January, 2018, *inter alia*, on the grounds of medical condition of the petitioner. It came up before another co-ordinate bench (presided over by Anu Malhotra, J.) on 02.02.2018. The learned Judge was of the view that the application ought to be heard by the same bench as had earlier decided the bail application on 04.01.2018.

The other learned Judge, by her proceedings recorded on 05.02.2018 returned the matter, *inter alia*, pointing out that she was now a member of the division bench and dealing with the cases of different roster. The application, thereafter, was considered by the other co-ordinate bench and by order dated 09.02.2018 interim protection was granted to the petitioner against arrest, subject to certain conditions. The said interim order has continued to operate till date. The Additional Public Prosecutor, on instructions, confirms that the petitioner has joined the investigation during the interregnum.

The sons of the petitioner, namely, Parveen and Lokesh, in the meanwhile, came to be arrested and were sent to judicial custody on 22.04.2018. By order dated 06.07.2018, the Additional Sessions Judge has granted them interim release on bail on their subsequent applications.

Going by the allegations in the FIR, the assault on the head with wooden stick was by Parveen Kumar, co-accused. The petitioner has submitted documents, including of indoor treatment, showing he is a case of chronic renal failure.

Having regard to these facts and circumstances, the prayer is granted. It is directed that in the event of he being arrested, he shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.20,000/- with one surety in the like amount, subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Pending application also stands disposed of.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

AUGUST 06, 2018

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