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

+ **BAIL APPLN. 438/2018 & CrI.M.B.No.312/2018**

AMAN KHURANA

..... Petitioner

Represented by: **Mr.Manjeet Singh, Advocate**

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Represented by: **Ms.Meenakshi Chauhan, APP for the
State with SI Satender Kumar, PS DB
Gupta Road**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.05.2018

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1. By this petition, the petitioner seeks anticipatory bail in case FIR No.231/2017 under Sections 323/341/506 /34 IPC registered at PS Desh Bandhu Gupta Road on the complaint of one Pawan Kumar Arora. In the FIR, Pankaj Kumar Arora alleged that on 28th October, 2017, a PCR call was received informing that one unknown person was throwing goods of the complainant Shop No.A-7, Mukherjee Market and has taken illegal possession thereof. When ASI Adesh reached at the spot, the caller was not present but Pawan S/o Partap, neighbour shopkeeper met him who told that there was property dispute between Amarjeet Malhotra, caller and him in which regard proceedings were pending before Court. On inquiry, the Investigating Officer found that Shop No.A-7 was being run by one Harender Singh. In his statement Harender Singh stated that he had given
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the shop to Amarjeet Malhotra on rent and no one threw his goods or took illegal possession of the shop. Thus call was filed.

2. At 11:28 AM a PCR call was received that at shop No.A-7, Mukherjee Market, Faiz Road recorded vide DD No.13A informing that a quarrel has taken place on which ASI Adesh again went to the spot where he found that injured had been taken to the hospital. The injured persons in the abovenoted complaint were Partap Singh and Pawan Arora. The injured did not give their statement on the said date. As per the MLC, nature of injury to Pawan was opined to be serious in nature whereas injury to the father of Pawan was opined to be simple in nature.

3. In his statement, Pawan Arora stated that he was running a shop being Shop No.A-7, SP Mukherjee Market, Faiz Road along with his father when a dispute had arisen for the said shop between Amarjeet Malhotra and the case filed by Amarjeet Malhotra had been dismissed by the Court. On 28th October, 2017, at about 10:00 AM, Amarjeet Malhotra along with his son and another person i.e. his son-in-law came to the spot. He stated that he could identify if the third person came before him. He stated that three of them after reaching the shop started abusing his father. When he and his father tried to make them understand, Amarjeet Malhotra, his son and son-in-law abused them and threatened to kill them. Amarjeet Malhotra took a wooden danda which was lying outside his shop and hit his father and when the complainant tried to save his father, Sandeep Malhotra hit him with wooden danda and the other person who was the son-in-law of Amarjeet Malhotra started beating the complainant with fist blows due to which he fell on the earth.

4. Thus, as per Pawan the role assigned to Amarjeet Malhotra and Sandeep Malhotra is of using dandas whereas that to the petitioner is using fist blows, Amarjeet Malhotra and Sandeep Malhotra have already been granted anticipatory bail by the learned Additional Sessions Judge whereas petitioner has been denied the same.

5. Considering the role assigned to the petitioner, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest, petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount subject to the satisfaction of the Arresting Officer/SHO concerned further subject to the condition that he will join the investigation as and when directed and in case of change of address, will intimate the same to the Court concerned.

6. Petition and the application are disposed of.

7. Order dasti.

MUKTA GUPTA, J.

MAY 09, 2018

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