

48# \$~

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

+ **BAIL APPLN. 522/2018**

AMANAT ULLAH KHAN

..... Petitioner

Represented by: Mr. Sudhir Nandrajog, Sr. Advocate
with Mr. Mohd. Irshad, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Sanjay Lao, Additional Standing
Counsel, Mr. Amit Gupta, APP and
Mr. Jamal Akhtar, Advocate for State
with Addl. DCP Harender K. Singh,
Inspector Karan Singh Rana,
SHO/Civil Lines, Inspector
Gyaneshwar Singh and SI Robin
Singh, Civil Lines.
Mr. Rajiv Mohan and Mr. Abhimanyu
Kampani, Advocates for the
complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.03.2018

%

1. By this petition, petitioner seeks bail in case FIR No. 54/2018 under Sections 186/332/353/120B/504/342/506 Part-II/323/34 IPC registered at PS Civil Lines, New Delhi.
2. The above noted FIR was registered on the complaint of Shri Anshu Prakash, the Chief Secretary of Delhi Government. In the complaint, complainant stated that at around 8.45 PM on 19th February, 2018 he received a phone call from Shri V.K. Jain, Advisor to the Chief Minister, asking him to reach Chief Minister's residence at 12.00 midnight to discuss

with the Chief Minister and the Deputy Chief Minister the issue of difficulty in release of certain TV advertisements relating to the completion of three years of the current government in Delhi. Complainant suggested that the meeting could be held on 20th February, 2018 in the morning however, Advisor to the Chief Minister reverted back to him at 9.00 PM and again at 10.00 PM stating that the meeting has been scheduled by the Chief Minister at 12.00 midnight. According to the complainant even prior to receipt of the telephone call from Shri V.K.Jain, he received a phone call from the Deputy Chief Minister at around 6.55 PM informing him that if the matter of release of TV advertisement was not resolved by the evening, complainant should reach Chief Minister's residence at 12.00 midnight to discuss the issue. As per the complainant, Advisor to the Chief Minister again called him at around 11.20 PM to confirm whether he had left for Chief Minister's residence for the meeting, whereafter, the complainant left the residence in his official car along with the driver and the PSO and reached the CM's residence at midnight. On arrival at the Chief Minister's residence, he met the Advisor to the Chief Minister and thereafter both of them were taken to the front room where the Chief Minister, Deputy Chief Minister and around 11 MLAs/person were present. The Chief Minister told the complainant that persons present in the room were MLAs and they have come to ask him about the government's publicity programme on completion of three years. According to the complainant, one MLA firmly shut the door of the room and he was made to sit between the two MLAs on a three seater sofa, one of whom was Shri Amanatullah Khan, the petitioner herein. The Chief Minister directed the complainant to answer the MLAs and explain the reasons for delay in release of the TV campaign, to which the complainant

replied that the officers were bound by guidelines of the Hon'ble Supreme Court and any advertisement that has to be released, must be in consonance with the said guidelines. The MLAs started shouting at him, abused him while blaming him and the bureaucracy for not doing enough for the publicity of the government. One MLA, whom he could identify, threatened that the complainant will be confined in the room for the entire night unless he agrees to release the TV campaign. The complainant was also threatened that he would be impleaded in false case including under the Scheduled Caste/Scheduled Tribe Act. The MLA whom he could identify became more aggressive and abusively extended threats of life to him. Then suddenly the present petitioner and other MLA on his other side, whom he could identify, without any provocation from the complainant started hitting and assaulting him and hit several blows with fists on his head and temple. The specks of the complainant fell down and he was in a state of shock. With difficulty he left the room, got into the official car and left the Chief Minister's residence. The complainant clarified that at no stage did he retaliate or provoke any person in the room despite confinement, criminal intimidation by extending threat to his life and assault by several MLAs while discharging his official duty. The complainant complained that with the intention to criminally intimidate, cause hurt with motive to deter him from discharge of his lawful duty, he was compelled to follow unlawful directions. He further stated that none of the person present in the room made any effort to save him.

3. Learned Senior Counsel for the petitioner submits that even without going into the version of the petitioner and co-accused at this stage, which will be a matter of investigation and trial, since the petitioner has already

suffered incarceration for a period of more than 20 days and no custodial interrogation of the petitioner is required any more, the petitioner be released on bail.

4. Learned Senior Counsel for the petitioner, though claims parity with the co-accused Prakash Jarwal, also contends that condition (a) imposed in para-8 of the order dated 9th March, 2018 granting bail to the co-accused needs to be modified as any legal action against the complainant cannot be treated as a harassment/intimidation.

5. Learned Additional Standing Counsel for the State on the other hand pointing out towards the status report has adverted to the propensity of the petitioner for involvement in offences which besides the present FIR are 12 number, out of which two cases relate to offence punishable under Section 186 IPC.

6. Heard learned counsel for the parties. The petitioner is involved in 12 other cases, out of which in three cases he has been discharged, however, considering that the nine other cases are either pending investigation or trial, out of which in two other FIRs offence punishable under Section 186 IPC has also been involved, this Court is of the view that though the petitioner is required to be granted bail but with conditions.

7. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with two sureties of the like amount subject to the satisfaction of the learned Trial Court, further subject to the following conditions:

- a. in case the petitioner himself or through someone else intimidates/harasses or obstructs the lawful activity of the complainant, the complainant/State would be entitled to seek

cancellation of bail granted to the petitioner. Needless to note that in case the complainant or the State is of the opinion that the complainant or the witnesses are being harassed it will be for them to show that the harassment/intimidation is as retaliation of the FIR registered against the petitioner.

- b. the petitioner will not, in any way, tamper with the evidence or intimidate or approach any of the witnesses in the above noted FIR;
 - c. the above noted FIR being the third FIR against the petitioner for assault on a public servant, in case the petitioner indulges in any such illegal act in future, the bail granted to the petitioner would be liable to be cancelled;
 - d. the petitioner will not leave the country without prior permission of the Court concerned; and
 - e. in case the petitioner changes his residential address the same will be intimated to the Court concerned by way of an affidavit.
8. Petition is disposed of.
9. Order dasti to learned counsels for the parties.

MUKTA GUPTA, J.

MARCH 12, 2018
‘vn’