

✓

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 886/2018 & Crl.M.(Bail) 645/2018, Crl. M.A. 9642/2018**

DEVENDER SINGH @ JODHA Petitioner
Through: Mr. Mohit Mathur, Sr. Adv. with
Ms. Manisha Parmar, Mr. Kapil
Chaudhary, Advs.

versus

STATE NCT OF DELHI Respondent
Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS - Gazipur

+ **BAIL APPLN. 1015/2018 & Crl.M.(Bail) 733/2018, Crl.M.As. 8439/2018, 9641/2018**

SUBENDER SINGH @ SUBE Petitioner
Through: Mr. Mohit Mathur, Sr. Adv. with
Ms. Manisha Parmar, Mr. Kapil
Chaudhary, Advs.

versus

STATE NCT OF DELHI Respondent
Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS - Gazipur

+ **BAIL APPLN. 1830/2018**

MANISH Petitioner
Through: Mr. Mohit Mathur, Sr. Adv. with
Ms. Manisha Parmar, Mr. Kapil
Chaudhary, Advs.

versus

BAIL APPLN. 886/2018 and connected matters

Page 1 of 6

Signature Not Verified

Signing Date: 09.10.2024 16:00:12
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

STATE NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS - Gazipur

+ **BAIL APPLN. 1837/2018**

MADAN LAL

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with
Ms. Manisha Parmar, Mr. Kapil
Chaudhary, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS - Gazipur

+ **BAIL APPLN. 1868/2018**

RAJESH

..... Petitioner

Through: Mr. Kapil Singhal, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS - Gazipur

+ **BAIL APPLN. 1928/2018**

RAN PAL SINGH BHATI

..... Petitioner

Through: Mr. Kapil Singhal, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS – Gazipur

u

BAIL APPLN. 1939/2018

AJAY PAL

..... Petitioner

Through: Mr. Kapil Singhal, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS - Gazipur

+ **BAIL APPLN. 1940/2018**

RAVI PAL

..... Petitioner

Through: Mr. Kapil Singhal, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Bhagwat in FIR No. 114/2018
and SI Mousam Ghani in FIR No.
115/2018, PS - Gazipur

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

05.10.2018

%

The involvement of the petitioners in this batch of bail applications in the crime which is subject matter of investigation of case FIR No. 115/2018, PS Ghazipur, has been alleged for the offences punishable under Sections 308/34 IPC. It appears that the police during the course of investigation has added the offences under Sections 147, 148, 149 IPC to the case.

The incident in which the said offences were committed appears to



have taken place in the morning hours of 29.03.2018 at or around 7:00 AM. It is the allegation of the first informant – Gulab Singh that while he alongwith his associates were present at their milk dairy situate in Ghazipur Dairy Farm, Delhi, the petitioners had come there extending threats to the workers and thereafter beat up the first informant and his associates with wooden sticks.

The petitioners, however, rely on allegations in the cross FIR No. 114/2018, registered prior to this FIR by the same Police Station involving offences punishable under Sections 323/307/506/34 IPC. According to the said cross FIR, registered at the instance of petitioner – Devender Singh @ Jodha, he was present at his milk dairy at Ghazipur Dairy Farm, Delhi with his associates when the opposite party, represented by the first informant of FIR No. 115/2018 had come there and assaulted the petitioner – Devender Singh @ Jodha and others from his side. In the process, Sakir from the opposite group, with the arm carried by him, fired at the right temple of the petitioner - Devender Singh @ Jodha, this injuring him, his associates Rashid and Salman, also having shot with the fire arms carried by them but the same mercifully not hitting him. Some other persons on the side of the petitioners were also injured in the quarrel. The fact that Devender Singh @ Jodha suffered fire arm injury on the right temple, the bullet having exited from the right side neck is confirmed by the discharge summary issued by Kailash Hospital where he was taken for treatment.

It is the admitted case of the prosecution that all the persons named as the assailants by the petitioners in the cross FIR No. 114/2018 were arrested

6

but later released on bail.

In the given facts and circumstances, the plea that the petitioners may have acted in self-defence cannot be brushed aside. Thus, the petitions are allowed. It is directed that in event of petitioners, namely Devender Singh @ Jodha, Subender Singh @ Sube, Manish, Madan Lal, Rajesh, Ran Pal Singh Bhati, Ajay Pal and Ravi Pal being arrested, they shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.20,000/- each with one surety in the like amount subject to the following further conditions:-

- (i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, they 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) They 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 petitioners in the event of a charge-sheet being filed on conclusion of the

7

investigation and process being issued against them by the court of cognizance.

The petitions and the accompanying applications stand disposed of in above terms.

Dasti.


R.K. GAUBA, J

OCTOBER 05, 2018

PB