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

+ **BAIL APPLN. 1863/2018**

AJEET SINGH

... Petitioner

Represented by: Mr.Manoj Kumar Ohri,
Sr.Advocate with Mr.Sudhir
Nagar and Mr.Mohit Awana,
Advocates

versus

STATE OF NCT OF DELHI

... Respondent

Represented by: Ms.Meenakshi Chauhan, APP
for the State with SI Rajender
Prasad and ASI Prahlad Singh,
PS Gokulpuri
Mr.Krishan Kumar with
Mr.Sanjay Nangia and
Ms.Iyma Grover, Advocates for
the complainant

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

21.08.2018

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1. By this petition the petitioner seeks anticipatory bail in case FIR No.102/2018 under Sections 452/323/380/506/34 IPC registered at PS Gokulpuri wherein pursuant to an order passed by learned ASJ rejecting the anticipatory bail application of the petitioner, during the course of investigation Sections 392/395 and 397 IPC have also been added later.

2. In the above noted FIR the complainant Subhash Tomar alleged that on 1st March, 2018 at about 9.30 p.m. while he was at home somebody

knocked the door. When he went downstairs and opened the gate, he found Harish Chaudhary, Ajeet Singh, the petitioner herein, Arun Bansal, Sattu Bhatti standing there, accompanied by three more persons, whose names he did not know but could identify if they come before him. He saw that Harish Chaudhary was having a pistol in his hand and others were having iron rods and sticks in their hands. They entered his house and started beating him. When he raised the alarm, Harish Chaudhary hit him with the butt of the pistol between his forehead and eye which caused injury to him and when on raising the alarm his wife, mother and brother came to his rescue, they were also beaten by Harish Chaudhary and his associates. They also advanced threat to the complainant and his family members and took away gold chain weighing 12 gms. and cash of ₹6,000/- which was kept in the upper pocket of the shirt of the complainant. The complainant's brother dialled at 100 number whereafter PCR van came.

3. Learned counsel for the petitioner has pointed out to the contents of FIR No.103/2018 under Sections 452/323/341/379/506/34 IPC registered at PS Gokulpuri on the complaint of Satender Kumar wherein it is alleged by Satender Kumar that on 1st March, 2018 at about 8.25 p.m. when he was at the petrol pump of his uncle Chaudhary Ajab Singh, some boys came with sticks and dandas whose names were Titu, Deepak and Titu's younger brother. They first quarrelled with the salesman and when Satender, the complainant intervened, they left the salesman and started beating the complainant. It is urged that Titu hit the complainant with a danda on his head and Titu and his friends snatched his gold chain weighing 15 gms. and took away ₹10,000/-.

4. As a matter of fact, the accused involved in FIR No.103/2018 are the nephews and brother of complainant in FIR No.102/2018 and both the incidents took place on 1st March, 2018 and the complaints were given on 3rd March, 2018.

5. The present bail application is opposed by learned APP for the State on the ground that now, Sections 392, 394 and 397 have also been added in the investigation. It is further stated that the petitioner has 9 other involvements.

6. A perusal of the record reveals that these sections have been added pursuant to the order dated 25th May, 2018 passed by learned ASJ dismissing the bail application of the petitioner when other co-accused Harish who was holding the pistol and had inflicted injury on the complainant's head by the butt of the pistol had already been enlarged on anticipatory bail on the same facts.

7. Considering that Harish Chaudhary to whom specific role has been assigned in the FIR and who is involved in four other cases, has been granted anticipatory bail and the role attributed to the petitioner was that he was accompanying him and was involved in beating the other family members like the three others, this Court, on the ground of parity, deems it fit to grant anticipatory bail to the petitioner.

8. It is, therefore, directed that in the event of arrest, the petitioner be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed by the

Investigating Officer and will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

9. Petition is disposed of.

10. Order dasti

AUGUST 21, 2018
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MUKTA GUPTA, J.