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

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Judgment delivered on: 29.08.2018

+ **BAIL APPLN. 1933/2018**

MOHD. SHAHID

..... Petitioner

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Abhinav Sarup Sharma,
Advocate.

For the Respondent : Mr. Sanjeev Sabharwal, APP for the
State.
ASI Satyender Kumar, PS IP Estate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
29.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in case FIR No. 152/2018 under Sections 308/323/427/34 IPC, Police Station I.P. Estate. The petitioner has been in custody since 02.07.2018.

2. The allegations in the FIR are that the complainant is in the business of scrap dealing and on the day of the incident, the petitioner,

who is also engaged in the scrap business, adjoining to the shop of the complainant brought a truck, which was parked allegedly obstructing the business premises of the complainant and when it was objected to, an altercation took place and it is alleged that the petitioner along with another co-accused assaulted him. When the labour of the complainant intervened, the co-accused called two more persons, who came and assaulted the petitioner. One of the two, who had come later, is alleged to have held the complainant and the other inflicted injuries with a sharp weapon.

3. Learned counsel for the petitioner submits that the subject FIR is a counterblast to the FIR registered by the petitioner against the complainant. Further, it is submitted that as per the allegations there does not appear to be any premeditated action on the part of the accused. He further submits that, admittedly, it is not the petitioner, who is alleged to have held or assaulted the complainant with any weapon.

4. Learned APP for the State points out that the nature of injuries sustained by the complainant is simple and he was discharged on the very same date.

5. Keeping in view of the fact and circumstances and on perusal of the record, I am of the view that the petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the

satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in any other case. The petitioner shall not do anything, which may prejudice either the investigation or the prosecution witnesses.

6. The petition is disposed of in the above terms.
7. Order Dasti under signatures of the Court Master.

AUGUST 29, 2018
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SANJEEV SACHDEVA, J



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