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

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Judgment delivered on: 10.07.2018

+ BAIL APPLN. 1308/2017

VIVEK KUMAR @ VICKKY

..... Petitioner

versus

THE STATE , GNCT DELHI

..... Respondent

+ BAIL APPLN. 1315/2017

RAJAT SHARMA

..... Petitioner

versus

THE STATE GNCT OF DELHI

..... Respondent

+ BAIL APPLN. 1393/2017 & Crl. M.A. 11560/2017

SAMARDEEP SINGH

..... Petitioner

versus

THE STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner(s) : Mr. S.N. Pandey, Mr. Rohit Kumar and Mr. Himanshu, Advs. in (Bail Appln. 1308 & 1315/2017)
Mr. Yogesh Swaroop and Mr. Kapil Kaushik, Advs. in (Bail Appln. 1393/2017)

For the Respondent : Ms. Neelam Sharma, Addl. PP for the State
with SI Praveen Kumar

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
10.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek anticipatory bail in case FIR No. 172/2017 under Sections 308/34 of the IPC, Police Station Mandawali, Fazal Pur, Delhi.
2. As per the FIR, the petitioners are alleged to have assaulted the complainant and his brother after a quarrel which took place between them. The accused Vivek Kumar @ Vickky and accused Rajat Sharma are alleged to have held the complainant and accused Samardeep Singh is alleged to have hit with a cooking pan.
3. Learned counsel for the petitioner submits that the petitioners have been falsely implicated as there is a civil dispute over recovery of money between the brother of the complainant as well as the petitioners. It is further contended that the complainant and his brother were drunk. Further, it is contended that the petitioners were not even present on the spot which could have been verified from the CCTVs installed outside the Dhaba where the dispute is alleged to have taken place.
4. Learned counsel for petitioner submits that the presence of the petitioners is not established at the spot. It is further contended that

the petitioners were granted interim protection by order dated 05.09.2017 and were directed to join investigation as and when so required by the IO and they did join investigation.

5. Learned Addl. PP, under instructions from the IO, submits that IO has seen the footage of the CCTVs installed in the vicinity and none of the CCTVs covered the area where incident is alleged to have taken place.

6. It is undisputed that petitioners did join the investigation and appear before the IO whenever so directed.

7. IO submits that the cooking pan which was used for assaulting has not been recovered till date and even the Dhaba owner has not been able to identify the pan and hand it over to the IO.

8. Learned Addl. PP further submits that a complaint has been received that accused Samardeep Singh has threatened the cousin brother of the complainant.

9. Learned counsel for petitioner Samardeep submits that no threat was extended and the telephone conversation was general in nature, which can be seen from the transcript.

10. As per the MLC, the nature of injury is simple.

11. Without commenting on the merits of the case, keeping in view the facts of the case and on perusal of the record and the fact that

interim protection was granted to the petitioners vide order 24.04.2017 and they joined investigation, I am of the view that the petitioners have made out a case for grant of anticipatory bail.

12. Accordingly, in the event of their arrest, the petitioners shall be released on bail by the Investigating Officer/Arresting Officer/SHO on furnishing a personal bond in the sum of Rs.25,000/- each with one surety each of the like amount to the satisfaction of the IO/Arresting Officer/SHO concerned.

13. Further, it is directed that the petitioner shall not do anything, which may either prejudice the investigation or the prosecution witnesses. The petitioner shall not contact the complainant or his family members.

14. The Petitions are disposed of in the above terms.

15. Order *Dasti* under signatures of the Court Master.

JULY 10, 2018

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SANJEEV SACHDEVA, J