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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2844/2018 & CrI.M.A. 48695/2018**

PANKAJ KUMAR Petitioner
Through: Mr. M.C. Kashyap & Mr. Avinash
Kumar, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent
Through: Mr. Amit Ahlawat, APP for the State
with ASI Jaswant Singh, PS Aman
Vihar.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **04.12.2018**

Status report filed. The FIR No. 71/2018 was registered by police station Aman Vihar, for investigation into offences allegedly committed under Sections 308/452 IPC pertaining to the incident that occurred on 17.03.2016. The FIR was registered on 28.01.2018, pursuant to the order of the Metropolitan Magistrate under Section 156 (3) of the Code of Criminal Procedure, 1973 (Cr.P.C). Earlier, the police had registered a non-cognizable offence under Section 323 IPC on the statement of Nutan Singh (first informant) recorded on 17.03.2017, also following it up with proceedings under Section 155 Cr.P.c. against Jai Prakash @ Rahul. Though, in the statement of Jai Prakash role was attributed to the petitioner herein, there is no explanation why he was not a party to the *kalandra* under Section 107/151 Cr.P.C.. Further, reliance is placed on the statement of

Nutan Singh recorded on 18.03.2016 wherein he referred to the incident of 17.03.2016, mentioning therein the role of Jai Prakash @ Rahul only.

In the given facts and circumstances, a case for protection through anticipatory bail is made out.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount, subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he 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) He 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;
- (v) He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the

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

The petition stands disposed of in above terms.

Dasti.

R.K.GAUBA, J

DECEMBER 04, 2018

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