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

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Judgment delivered on: 16.03.2018

+ BAIL APPLN. 2521/2017

ROHIT NATH

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr M.S.Vinaik
For the Respondent : Mr Akshai Malik, Addl. PP for the State
Mr Chandan Rai Chawla for Mr Sunil Dalal for
complainant.
SI Manmeet, PS Paharganj.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.03.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks anticipatory bail in case FIR No.246/2017 under Sections 307/323/427/34 IPC, Police Station Pahar Ganj.

2. It is alleged in the FIR that the complainant along his friends and the injured –Anil Sharma, were in the night between 21st & 22nd July, 2017 at about 1.00 PM, drinking and, thereafter, Anil Sharma got out of the car and spoke on phone with someone. It is alleged in the FIR that the co-accused Ashu along with three friends came on the spot and started arguing with Anil Sharma and thereafter, started

assaulting Anil Sharma with fists and blows and also broke the windows of the car.

3. Learned counsel for the petitioner submits that, in the statement given to the Police by the complainant, the petitioner is not named and it is alleged that Ashu along with three friends had allegedly assaulted the injured- Anil Sharma. It is submitted that thereafter on 11.08.2017, when the injured- Anil Sharma was declared fit for making statement, he gave his statement reiterating the allegations in the FIR and once again stated that Ashu along with 2-3 of his friends had assaulted him.

4. Learned counsel for the petitioner submits that the injured Anil Sharma very well knows the petitioner even by name and in the statement given to the Police on 11.08.2017, the petitioner is not named and only the brother of the petitioner - Ashu has been named. It is further submitted that Anil Sharma thereafter voluntarily went to the Police to make a supplementary statement on 27.08.2017. In his supplementary statement, the only additional fact, in addition to what was alleged earlier, was that he has named the petitioner, while reiterated his allegation that it was Ashu along with 2-3 of his friends who had assaulted him.

5. Learned counsel submits that there is a clear improvement in the version of the complainant and the same has been done to falsely implicate the petitioner along with his brother.

6. The petitioner was granted interim protection on 02.02.2018, subject to joining investigation. As per the status report, the petitioner joined investigation, as and when was required by the Investigating Officer.

7. Without commenting on the merits of the case, perusal of record shows that the petitioner has made out a case for grant of Anticipatory Bail. In the event of the arrest of the petitioner, the petitioner shall be released on bail by the Arresting Officer/Investigating Officer/SHO, 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 Arresting Officer/Investigating Officer/SHO.

8. The petitioner shall not do anything, which shall prejudice either the investigation or the prosecution witnesses. The petitioner shall not make any attempt to contact the injured-Anil Sharma or the complainant.

9. Petition is disposed of in the above terms.

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

SANJEEV SACHDEVA, J

MARCH 16, 2018

‘Sd’