

\$~43

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

+ **BAIL APPLN. 2694/2019 & Crl. M. Bail 1896/2019**

ARUN GUPTA

..... Petitioner

Through Mr. Mahesh Tiwari, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through Mr. Hirein Sharma, APP for State.
SI Ajeet Kumar PS Sangam Vihar.
Mr. Satish Chandra, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

%

24.10.2019

Crl. M.A. 39142/2019

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 2694/2019

Vide the present application, the petitioner seeks anticipatory bail in the event of his arrest in FIR No.261/2019 registered at Police Station – Sangam Vihar for the offences punishable under Sections 308/323/324/34 IPC.

The present petition is filed on the ground that mother (Arti Gupta) of the petitioner has been granted bail by this court in Bail Appln. No.2124/2019 vide order dated 26.08.2019. Moreover, anticipatory bail has also been granted to the father (Jaiy Narayan Gupta) of the petitioner by the

Trial Court vide order dated 31.08.2019. The anticipatory bail has been granted to the brother (Arvind Prasad Gupta) of the petitioner by this Court in bail application no. 2260/2019 vide order dated 11.09.2019. However, the anticipatory bail was dismissed as withdrawn of the brother (Anuj kumar Gupta) of the petitioner before this Court in bail application no. 2360/2019 vide order dated 19.09.2019.

Learned counsel submits that in addition to above, the regular bail has been granted to the brother (Amit Gupta) of the petitioner by this Court in bail application no. 2483/2019 vide order dated 30.09.2019.

Learned counsel further submits that since there is no role assigned to him in the commission of the alleged offence as such, no case is made out against him. He further submits that the alleged incident took place on 02.08.2019 at 9.50 p.m. but the FIR was registered on 03.08.2019 at 2.20 p.m., therefore, there is unexplained delay in the registration of the FIR which itself creates a doubt on the prosecution story. Therefore, there was sufficient time with the complainant to frame the innocent petitioner in the present FIR just to take revenge.

The allegations in the FIR against the petitioner are that a sharp edged weapon was used to attack the brother of the complainant, namely, Anand.

Learned APP has shown the MLC and photographs of the injured which established that there is a grave injury on the ear and face, therefore, the arguments of the petitioner that there is no role assigned to the petitioner is not correct.

Accordingly, in view of the fact that the petitioner caused serious injuries with some sharp edge weapon which has to be recovered by the IO,

therefore, his custodial interrogation is required.

In view of the facts mentioned above, I find no merit in the present petition and the same is accordingly dismissed.

SURESH KUMAR KAIT, J

OCTOBER 24, 2019
ab