

\$~8 & 9

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

% Judgment delivered on: 15.02.2019

+ BAIL APPLN. 317/2019

SATISH Petitioner

versus

THE STATE(GOVT OF NCT OF DELHI) Respondent

+ BAIL APPLN. 318/2019

GANESH Petitioner

versus

THE STATE(GOVT OF NCT OF DELHI) Respondent

Advocates who appeared in this case:

For the Petitioners : Mr.Gaurav Seth, Mr.Mohit Bhardwaj, Mr.Pankaj Gupta
and Mr.Vipin Malik, Advs.

For the Respondent: Mr. Hirein Sharma, APP for the State with ASI Anirudh,
P.S.Kalyanpuri.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 51/2019 under Sections 308/324/34 of the IPC, Police Station Kalyanpuri, Delhi.
2. Status report has been filed in Bail APPLN.317/2019. Same is

taken on record.

3. Allegations in the FIR are that the complainant was attending the marriage of his nephew which was being held in a park and at about 8.30 PM they observed some boys coming into the tent. When their presence was objected to, they left and subsequently it is alleged that they came armed with sticks and lathis and in an intoxicated state, started assaulting the complainant and his family members. Petitioners were the ones who were being identified and named in the FIR.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated. He submits that the petitioners had gone to the tent as they were looking for the tent house owner with whom they had some work as they wanted to book a tent for a religious ceremony which was contemplated later.

5. He submits that when they entered the tent searching for the tent house owner, they were assaulted by the complainant and his family members. Accordingly, an FIR has also been registered on his complaint under Section 308/34 against the complainant and his family members.

6. Learned counsel for the petitioner further submits that petitioner had sustained serious injuries and he was hospitalised and referred to GTB Hospital and discharged the following day whereas the complainants in the subject FIR were discharged the same day after

some treatment. He further submits that complainants have thereafter not joined investigation and are absconding.

7. Learned APP under instructions submits that the complainant of the subject FIR and his family members who are accused in the FIR registered on the complaint of the petitioner are not traceable and the IO has not been able to contact them and are not coming forward. He, however, confirms that the injured in the subject FIR were discharged the same day.

8. Without commenting on the merits of the case and keeping in view the totality of the facts and circumstances of the case, I am of the view that petitioners have made out a case for grant of regular bail. Accordingly, on petitioners furnishing a bail bond each in the sum of Rs. 15,000/- with one surety of the like amount each to the satisfaction of the Trial Court, petitioners shall be released on bail, if not required in any other case. Petitioners shall not do anything which may prejudice either the investigation, or the prosecution witnesses.

9. Petitions are allowed in the above terms.

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

SANJEEV SACHDEVA, J

FEBRUARY 15, 2019/rk