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

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Judgment delivered on: 03.05.2019

+ BAIL APPLN. 466/2019

SARVESH

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Karan Pandey and Mr. Lalit Naagar,
Advocates.

For the Respondent: Mr. Hirein Sharma, APP for the State with ASI Raj
Kumar

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 411/2018 under Sections 341/323/506/325/308/34 Indian Penal Code, 1860, P.S. Govindpuri.

2. Subject FIR was registered alleging that the complainant was standing outside his father's grocery shop when the neighbours *inter-alia* the petitioner came to the respondent and started fighting with them. When it was objected to the petitioner came out of his house with a sword and assaulted the complainant with the sword on his

head. Thereafter it is alleged that the parents of the petitioner also joined him and assaulted the complainant and his parents.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that in fact the perpetrators of the quarrel were the complainant and his family and they had started assaulting the petitioner and his parents and which led to a fight and in the process the petitioner and his parents and other family members also sustained injuries. He submits that a complaint was lodged and FIR has already been registered against the complainant and his family members being FIR No.432/2018 under Section 323/325/452/379/506/34 of the Indian Penal Code, 1860, P.S Govindpuri.

4. Learned counsel for the petitioner submits that petitioner was granted interim protection by the Trial Court, however, he could not join investigation as his father passed away on 02.12.2018 and the incident is of 01.12.2018. Subsequently, his elder brother also passed away on 01.01.2019.

5. Learned counsel for the petitioner submits that the allegations that petitioner had assaulted the complainant with sword is not substantiated from the MLC of the complainant which shows that the injuries sustained were only simple.

6. By order dated 22.02.2019, the petitioner was granted interim

protection subject to joining investigation.

7. Learned Addl. PP submits that the petitioner has joined the investigation and the investigation qua the role of the petitioner is complete and there is no further requirement of the petitioner to join investigation.

8. Without commenting on the merits of the case and keeping in view of the totality of the facts and circumstances, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

9. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail 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 concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. Petitioner shall join investigation as and when so required by the IO.

10. The petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

MAY 03, 2019

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