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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 686/2019 & CRL.M.(BAIL) 541/2019**
SADAB Petitioner

Through: Mr. Aakash Sirohi, Mr. Indra
Lal, Advs.

versus

STATE OF NCT DELHI Respondent

Through: Mr.Panna Lal Sharma, APP
with SI Sonu, PS Seemapuri,
Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **10.04.2019**

BAIL APPLN. 686/2019

1. The petitioner has filed the present application under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for grant of bail in FIR No.102/2019 dated 18.2.2019, under Sections 308/34 of the Indian Penal Code, 1860 (IPC), registered at PS: Seemapuri, Delhi.
2. Status report as well as nominal roll has been filed on the record.
3. The case of the prosecution is that, on 18.02.2019 a PCR call regarding a quarrel was received at PS: Seemapuri vide DD No. 48B and the same was entrusted to ASI Deepak Kumar. Thereafter, ASI Deepak Kumar reached the place of incident, where he met the complainant Yusuf and his statement was recorded. The complainant Yusuf stated that on 18.2.2019, he went to the house of his brother Md. Umar, i.e. C-324, New Seemapuri, Delhi and thereupon, noticed

that the accused Bhagwan Dass and his wife, who are neighbours, were quarrelling with his brother Md. Umar. The complainant tried to intervene and pacify them amicably, but soon after this, Md. Umar's landlord Saleem Akhtar's two sons, namely, Aftab and Sadab (the petitioner herein) and two other neighbours Shammi and Aslam reached the spot. Thereafter, all the aforementioned people started abusing and quarrelling with his brother Md. Umar. The complainant tried to pacify them again, but this time Aslam slapped him. Further, Md. Umar was also threatened and abused orally. Soon after this, the complainant was caught hold by the petitioner, Aslam, Aftab and Shammi and the accused Bhagwan Dass attacked the complainant on the head with one iron object which resulted in blood oozing out from his head. Thereafter, MLC vide No.B/568/5/19 was prepared at the GTB Hospital. Hence, in this regard, the present FIR was registered in the Police Station Seemapuri, Delhi.

4. Learned counsel for the petitioner submitted that the main accused in the aforesaid FIR, namely, Bhagwan Dass has already been granted bail by the Trial Court and the role of the petitioner allegedly was that he was holding the complainant/victim and the petitioner did not inflict any injury to the complainant.

5. On the other hand, the learned APP for the State submitted that in view of the role of the petitioner specifically mentioned by the complainant in his complaint, the petitioner is not entitled to bail.

6. The Investigating Officer (IO), on the query of the Court, stated that the accused Bhagwan Dass who allegedly hit the complainant has been granted bail by the Trial Court vide order dated 6.3.2019. The IO

also stated about the cross FIR. It is further stated by the IO, on the query of the Court, that nothing is required to be recovered from the petitioner at present.

7. In view of the aforesaid facts and circumstances as well as taking into consideration the fact that the accused Bhagwan Dass has already been granted bail by the Trial Court and the conduct of the petitioner in the jail as per the nominal roll was satisfactory, the petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety each of the like amount to the satisfaction of the Trial Court. It is directed that the petitioner shall not indulge in any activity which may prejudice the prosecution or tamper with the evidence or influence the witnesses.

8. The application is disposed of accordingly.

CRL.M.(BAIL) 541/2019

1. Learned counsel for the petitioner submitted that in view of the order passed in Bail Appln. 686/2019, he does not want to press the present application.

2. Accordingly, the present application is dismissed as not pressed.

Dasti.

CHANDER SHEKHAR, J

APRIL 10, 2019/rk