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

+ **BAIL APPLN. 2209/2019**

PRAVEEN MALIK

..... Petitioner

Through: Mr Ankur Rai and Mr Tejasva Mehra,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms Kusum Dhalla, APP for State.
SI Sandeep Yadav, PS Vasant Kunj
South.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.09.2019

CRL.M.A. 35055/2019

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2209/2019

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued for his release in the event the petitioner is arrested in connection with FIR No.415/2019 under Sections 308/34 of the Indian Penal Code, 1860 registered with PS Vasant Kunj (South).

3. The FIR in question was lodged at the instance of one Rohtash, who is stated to be the brother of the petitioner's father. The FIR indicates that there were certain disputes between the said parties in relation to shop no. D-6, Vasant Kunj, Delhi. Rohtash claims that the said shop belonged to him. He stated that while he was standing outside the said shop, his younger

brother, namely, Vijender Singh came there and hit him on the right hand with a *lathi*. It is stated that he fell down. At the said time, Praveen Malik (the petitioner herein) had come with a wooden *fatta* and had struck him on his head. The MLC of Rohtash was done. It was found that he had suffered a grievous injury on his head. It is stated that the wooden *fatta* was also recovered from the site.

4. The petitioner states that his father had lodged a complaint on 13.07.2019, much prior to the said incident, apprehending that his brother would forcibly take over possession of the shop in question. The petitioner states that he has also filed a complaint alleging that certain persons have been threatening him. The learned counsel appearing for the petitioner states that the petitioner was not even present at the site when the incident was happened and he had subsequently intervened when he found out that there was a quarrel between his father and his uncle.

5. It is not necessary for this Court to examine the said allegation in much detail. However, it does appear from the said MLC that Rohtash has suffered a grievous injury on his head. His statement had been recorded and he had clearly indicated that his nephew (the petitioner) had beaten him with a wooden *fatta*, which is also stated to be recovered.

6. In view of the above, this Court does not consider it apposite to accede to the prayer made in the present petition at this stage. The same is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 04, 2019
MK