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

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Judgment delivered on: 16.01.2019

+ BAIL APPLN. 1100/2018

ROHIT

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Faheem Alam, Adv.

For the Respondent : Mr.Hirein Sharma, APP.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.01.2019

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 41/2018 under Sections 308/34 of the IPC, Police Station Neb Sarai, Delhi.

2. The allegations against the petitioner are that the complainant along with his friend Sharif were walking towards his house when he saw co-accused beating a boy and when they tried to intervene, two boys came along with rods in their hands and started beating them and soon thereafter one more person alongwith the petitioner came with sticks and started beating the complainant and his friend and on account of the beatings injuries were sustained by the complainant as well as his friend. As per the FIR, the friend of the complainant Sharif was assaulted by the petitioner on

his hands and legs.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated as the complainant is an accused in cross FIR lodged by one of the friends of the petitioner.

4. Petitioner was granted interim protection by order dated 23.08.2018 subject to joining investigation.

5. Learned APP under instructions submits that the petitioner had joined investigation. Investigation is nearly complete and there is no further requirement of petitioner to join investigation.

6. Keeping in view the totality of facts and circumstances, I am of the view that the petitioner has made out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything which may prejudice the investigation, trial or the prosecution witnesses.

8. The petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

JANUARY 16, 2019/rk