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

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Judgment delivered on: 29.03.2019

+ BAIL APPLN. 2353/2018 & CrI. M.A. 33745/2018

ROHIT @ JAYANT

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Ajit Nair and Mr. Avdhesh Nuhiwala,
Advocates.

For the Respondent: Ms. Kusum Dhalla, APP for the State with ASI
Suresh Kumar

Mr. Rakesh Wadhwa and Mr. Raghav Alok, Advs.
for the Complainant

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No. 165/2018 under Sections 326/34 of the Indian Penal Code, 1860 registered at Police Station Inderpuri.

2. The allegations in the FIR are that the complainant had a dispute with the petitioner and on the day of the incident, it is alleged that complainant was standing outside his factory when the petitioner

along with his father, brother and other co-accused came on the spot and starting assaulting him. It is alleged that the co-accused gave a glass bottle to the petitioner who broke it and hit the complainant with the bottle.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that there is an ongoing dispute between the complainant and the family of the petitioner and petitioner has been falsely implicated in view of the said dispute.

4. Learned counsel for the petitioner submits that the petitioner is employed as a Peon with a service provider – Orient Security Solutions Pvt. Ltd. and is deputed for his duty at BHEL House, Hauz Khas. He submits that time of the incident as alleged is around 5.45 PM at Inderpuri and the petitioner was, on the date of the incident, performing his duty in BHEL House in Hauz Khas. It is alleged that the petitioner left BHEL House, Hauz Khas at about 5.45 PM.

5. Status report has been filed. Along with the status report 'Time In' and 'Time Out' sheet maintained by BHEL as also the CDR of the petitioner has been placed on record. The 'Time In' and 'Time Out' sheet shows that the petitioner left at about 5.45 PM on the day of the incident and even the tower location of the mobile that petitioner was alleged to be using is at 5.41 PM at Hauz Khas.

6. The petitioner was directed to join investigation by order dated

08.10.2018. Learned Addl. PP, under instructions, confirms that petitioner joined the investigation as and when so required by the Investigating Officer. Investigation qua the role of the petitioner is complete. However, further investigation is underway.

7. Without commenting on the merits of the case and on perusal of the record, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

8. 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. 15,000/- 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 either the investigation, trial or the prosecution witnesses.

9. Petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

MARCH 29, 2019
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