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

% Judgment delivered on: 20.05.2019

+ BAIL APPLN. 2554/2017

RAHUL TYAGI

..... Petitioner

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

+ BAIL APPLN. 2561/2017

BILLU @ DINESH TYAGI

..... Petitioner

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner :

Mr. Anupam S. Sharma, and Mr. Karan Sharma,
Advs.

For the Respondent:

Ms. Kusum Dhalla, Addl. PP for the State with
SI Sri Bhagwan
Mr. S.C. Buttan, Adv. for complainant

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek anticipatory bail in FIR No. 610/2017, Police Station, Burari under Sections 323/308/34.
2. As per the subject FIR, it is contended that there is a family

dispute between the family of the complainant as well as the family of the petitioners. On the date of the alleged incident, it is alleged that the complainant Rajender Tyagi was walking from the disputed site to his house at about 8-8.15 in the night; he found that Anuj, Vikas and Sintoo alias Rohit were sitting in the vehicle of Anuj and drinking. The vehicle was parked in a fashion so as to obstruct the ingress to the disputed site. Anuj was asked to remove the vehicle and not to drink, on which it is alleged that they started abusing them and came out of the car with sticks and rods and assaulted the complainant and his son, on account of which his son sustained serious injury.

3. It is further contended that on the happening of the incident when Rakesh raised his voice and made noise, his nephew's son and Rahul came to the spot and also the brother of Rakesh i.e. Billu, Billu's son and Rahul and one Sardarji owner of Bharat Motors came to the site.

4. It is contended that the said persons who joined later also assaulted them on account of which Rahul and Sunny sustained injuries.

5. Learned counsel for the petitioner submits that as per the FIR, the petitioners are alleged to have joined the incident after the co-accused had, allegedly, already assaulted the victims with rods.

6. It is submitted that the injuries sustained by Rahul and Sunny,

who were allegedly assaulted after the petitioners joined, are not grievous in nature. Learned counsel submits that no MLC of Sunny was conducted and Rahul, who was examined, had only suffered simple injuries.

7. Petitioners were granted interim protection by order dated 11.01.2018 subject to joining investigation.

8. Learned Addl. PP submits that the petitioners had joined the investigation. Investigation is complete and the chargesheet has already been filed and there is no further requirement of the petitioners to join investigation.

9. Learned counsel for the complainant submits that the complainant was threatened several times by the co-accused and also once by the petitioners on 02.05.2018 and warned not to pursue the complaints else he would be taught a lesson and implicated in a false case involving some woman.

10. As per the status report filed by learned Addl. PP, several complaints given by the complainant have been investigated by the local police and no material incriminating the petitioners was found for registering a case.

11. 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 petitioners have made out a case for grant of anticipatory bail.

12. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioners on bail on their furnishing a bail bond in the sum of Rs. 25,000/- each with one surety each of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioners shall not do anything that may prejudice either the trial or the prosecution witnesses.

13. The petitions are allowed and disposed of in the above terms.

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

MAY 20, 2019
'rs'

SANJEEV SACHDEVA, J