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

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Judgment delivered on: 06.05.2019

+ BAIL APPLN. 3036/2018

SHAHJAD KHAN @ MANTU

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Priyadarshi, Advocate.

For the Respondent: Ms. Meenakshi Dahiya, APP for the State with ASI
Sita Ram

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.951/2018 under Sections 323/341/34 IPC, Police Station New Usmanpur. Subsequently, during investigation, Sections 392/394 IPC have been added.

2. Allegations in the FIR are that the complainant was going on his motorcycle, when he was going through the market, he saw there were 15-20 persons going in a procession and some of them were carrying swords. It is alleged that the complainant wanted to pass through, however, the procession did not permit the complainant to

pass through on his motorcycle. Subsequently, it is alleged that he was thrown from his motorcycle by the petitioner and hit with the butt of a sword and his chain was also snatched.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that in the first statement given to the police over telephone and the statement given to the doctor, the complainant merely stated that a fight had taken place and there was no allegation that he was assaulted with the butt of a sword or that any chain was snatched.

4. Learned counsel for the petitioner further submits that the complainant is a Constable in Delhi Police and is well versed with the legal procedures and he did not give any statement at the spot or in the hospital to the Investigating Officer who had reached the hospital and subsequently had gone to the police station and given a statement after 7 hours and further that there are improvements in his version. He submits that as per the FIR, the complainant was discharged with first aid.

5. Learned counsel for the petitioner further submits that in the CCTV, which is referred to by the Trial Court, no faces are visible and the petitioner cannot be even identified in the footage and as such reliance placed by the Trial Court thereon is unfounded.

6. By order dated 20.12.2018, the petitioner was granted interim

protection subject to joining investigation.

7. Learned Addl. PP, under instructions, from the IO submits that petitioner has joined the investigation and investigation qua the role of the petitioner has been concluded and there is no further requirement of the petitioner to join investigation.

8. 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 petitioner has made out a case for grant of anticipatory bail.

9. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on petitioner 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 that may prejudice either the trial or the prosecution witnesses. Petitioner shall continue to join investigation as and when so required by the IO.

10. The petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

MAY 06, 2019

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