

\$~9

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

+ **BAIL APPLN. 155/2020**

PUSHPENDER SINGH & ANR.

..... Petitioners

Through Mr Dinesh Garg, Advocate.

versus

STATE

..... Respondent

Through Mr Amit Gupta, APP for state.

Insp. Vinay Kumar, ATO/Khajuri Khas.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

27.02.2020

1. The petitioners have filed the present petition praying for anticipatory bail in connection with FIR No. 130/2016, under Sections 323/354/354-B/354-D/506/509/376/511/34 of the IPC, registered with Police Station Khajuri Khas, Delhi.
2. The said FIR was registered at the instance of the wife of petitioner no.1 (hereafter referred to as 'complainant'). She had alleged that on 05.02.2016, she was not feeling well and therefore, had returned home from her place of work. She was informed by her son, who is aged thirteen years, that petitioner no.1 had had an indecent conversation with somebody on the mobile phone. She stated that she confronted her husband (petitioner no.1) and when she did so, her husband not only misbehaved with her but assaulted her, as well as her son. She alleged that her husband had disclosed that he was talking to a woman who was his wife and he intended to bring

her to their home. She alleged that in the meanwhile, her brother-in-law (petitioner no.2) also came to the spot and assaulted her son. She stated that she intervened and on doing so, the petitioners (her husband and her brother-in-law) tore her clothes and her brother-in-law attempted to rape her.

3. The status report indicates that the statements of various persons in the neighbourhood were recorded under Section 161 of the Cr.P.C. and they stated that the complainant and her husband had quarrelled on the date of the incident, that is, 05.02.2016. They had also confirmed that petitioner no.2 had also come to the spot and a quarrel had erupted between them. All the neighbours stated that the relationship between petitioner no.1 and complainant were not cordial.

4. Petitioner no.1 is employed with Delhi Transport Corporation (DTC) and is continuing to perform his duties. He states that if he is arrested, he would be removed from his employment.

5. It is reported that the minor son of petitioner no.1 and complainant, has supported the allegations made in the complaint.

6. The allegations made by the complainant are serious. However, the veracity of the said allegations is yet to be tested. This Court is refraining from expressing any opinion with regard to the allegations.

7. The petitioners have no criminal antecedents.

8. In the given facts and circumstances and considering that the petitioners have joined the investigation, this Court considers it apposite to allow the present petition. Accordingly, the petitioners are granted anticipatory bail on each of them furnishing a personal bond in the sum of

₹25,000/- with two sureties of the equivalent amount to the satisfaction of the Trial Court. This is also subject to the following further conditions:-

- (a) The petitioners shall appear before the Trial Court on all dates of hearings and as and when called for;
- (b) The petitioners shall not leave the National Capital Territory of Delhi without prior approval of the Trial Court;
- (c) The petitioners shall not try to influence the complainant or her son, either directly or indirectly.

9. The petition is allowed in the aforesaid terms.

10. Order *dasti* under the signature of Court Master.

FEBRUARY 27, 2020

pkv

VIBHU BAKHRU, J