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

+ BAIL APPL 2373/2020

KIRAN PAL SINGH

..... Petitioner

Through: Mr. Lokesh Mishra, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Dr.M.P.Singh, APP for State.

CORAM:

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
(VIA VIDEO CONFERENCING)**

ORDER

07.09.2020

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1. The present application has been filed on behalf of the petitioner seeking anticipatory bail in FIR No.309/2020, registered under Sections 308/377/498A/506/34 IPC at Police Station New Ashok Nagar, Delhi.
2. Learned counsel for the petitioner submits that the petitioner, who is the father-in-law of the complainant, has been falsely implicated in this case on account of matrimonial dispute between the complainant and the petitioner's son.
3. He further submits that at the time of the alleged incident, the petitioner was not present at the spot and was rather at the office of *S. S.Tyagi Property* at Indrapuram which is about 3-4 kms away from the spot. It is further submitted that initially, the complainant had stated the time of the incident as 1 pm however, later on, the same was stated to be 11 am.
4. He further submits that there are material improvements in the

statements of the complainant recorded during investigation. While in the initial complaint, it was stated that the mother-in-law of the complainant was carrying a knife, who passed on the same to the father-in-law, who had hit her with the knife however, in her subsequent statement under Section 164 Cr.P.C., recorded after a period of 5 days on 18.07.2020, it was stated that the father-in-law was carrying an iron rod. Even otherwise, as per the discharge summary, the complainant has suffered simple blunt injuries and was discharged from the hospital on the same day.

5. Dr. M.P. Singh, learned APP for the State, on other hand, opposes the bail application. He submits that in both the statements, the presence of petitioner at the spot was stated by the complainant. He, however, on instructions submits that as per the CDR data collected during investigation, on the day of the incident at about 1 pm, the location of the petitioner was found to be Indrapuram.

6. As per the Status Report, during local enquiry, statements of neighbours were recorded, who stated that they heard a noise at about 1 pm and saw the complainant and her mother-in-law with the 6-month old baby girl. At that time, Mr. *Nitin Baggha*, a neighbour made a call to the petitioner. It was the same call, which has been verified in the CDR data collected and location of the petitioner was found to be at Indrapuram. Further, the statement of one Mr. *Shankar Jha* was also recorded, who stated that he runs the business in the name of *S. S.Tyagi Property* at Indrapuram and on that day, the petitioner had come to his office at about 11:30 am and left at about 1 pm.

4. Looking into the aforesaid facts and circumstances of the case, it is directed that in the event of arrest, the petitioner be released on bail, on his

furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned IO/Arresting Officer, subject to the following further conditions:-

- (i) The petitioner shall join investigation as and when directed to do so.
 - (ii) The petitioner will not directly or indirectly get in touch with the prosecution witnesses or tamper with the evidence.
 - (iii) The petitioner shall regularly appear before the Trial Court as and when the charge-sheet is filed.
 - (iv) In case of change in contact details and address, the petitioner shall promptly inform the same to the concerned IO/SHO.
5. The application stands disposed of.

MANOJ KUMAR OHRI, J

SEPTEMBER 07, 2020

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