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

+ **BAIL APPLN. 2583/2020**

IRFAN

..... Petitioner

Through: Mr Hari Krishan, Advocate.

versus

STATE OF DELHI

..... Respondent

Through: Mr Amit Gupta, APP for State with
SI Priyank Rana, PS Desh Bandhu
Gupta Road.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.09.2020

[Hearing held through video conferencing]

CRL.M.A. 12432/2020

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2583/2020

2. The petitioner has filed the present petition, *inter alia*, praying for anticipatory bail in connection with FIR No.0181/2020 under Sections 307/323/34 of the IPC registered with PS Desh Bandhu Gupta Road.

3. The said FIR was registered at the instance of one Suraj. He stated that on 11.07.2020, he was returning home from his work at about 10:30 PM and while passing through Matke Wali Gali, he had brushed against one CCL S (name withheld as this court is informed that he is a minor). It is

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alleged that CCL S started abusing him. In the meanwhile, the petitioner, who is the cousin brother of CCL S intervened in the dispute. He had a meat knife in his hand. The complainant also alleged that he attacked him with the said knife on the rear of his neck. The complainant also alleged that he told CCL S that they should kill the complainant on that date. The complainant further stated that he caught hold of the hands of Irfan (the petitioner herein) and CCL S took the said knife from the petitioner and struck the complainant on his head. It is also alleged that their family members, the father of CCL S also assaulted the complainant's aunt and his mother with a cricket bat. A PCR call was made and the injured were taken to the LHMC Hospital for treatment.

4. The learned counsel appearing for the petitioner states that the petitioner has no role to play in the said incident and no recovery has been made at his instance. He, accordingly, prays that anticipatory bail be granted to the petitioner.

5. Mr Gupta, learned APP submits that the petitioner has not joined the investigation proceedings. NBWs have been issued against the petitioner and the knife used in the incident has also been recovered. He further states that the injury suffered by the complainant is grievous.

6. The contention that no recovery has been effected at the instance of the petitioner is unsubstantial, considering that the petitioner has not joined the investigation and further the knife allegedly used by the CCL S is the same knife, which was allegedly brought by the petitioner and the same has been recovered.

7. Considering the above, this Court does not consider it apposite to

accede to the prayers made in the said petition. Accordingly, the same is dismissed.

VIBHU BAKHRU, J

SEPTEMBER 9, 2020
MK

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