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

% *Order pronounced on 09.05.2022*

+ BAIL APPLN. 1112/2022

VINOD SINGH CHANDEL Petitioner

Through: Mr. Sanjeev Kumar Dubey, Sr.
Advocate with Mr. Rajmangal Kumar
and Mr. Rishabh Thakur, Advocates.

versus

THE STATE OF NCT OF DELHI Respondent

Through: Mr. Amit Chadha, APP for State with
ASI Jamil Khan, PS Inder Puri.

+ BAIL APPLN. 1126/2022

ASHWINI SHARMA Petitioner

Through: Mr. Sanjeev Kumar Dubey, Sr.
Advocate with Mr. Rajmangal Kumar
and Mr. Rishabh Thakur, Advocates.

versus

THE STATE OF NCT OF DELHI Respondent

Through: Mr. Amit Chadha, APP for State with
ASI Jamil Khan, PS Inder Puri.

TALWANT SINGH, J.

1. These are the petitions under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of regular bail in case FIR No. 0201/2022 registered under Section 308/323/341/509/427/34 IPC at PS Inderpuri.

2. Both the accused were arrested on 30.03.2022. The FIR in this matter was registered on 20.03.2022 on a written complaint given by the complainant Shri Mukesh Chaudhary, Advocate, dated 15.03.2022 regarding the incident



which had taken place on the night of 14.03.2022. The present petitioners had moved bail applications before the learned ASJ at New Delhi Districts, Patiala House Court on 01.04.2022 and the same were dismissed on 02.04.2022.

3. Notice was issued on 08.04.2022.
4. Status report has been filed.
5. I have heard the arguments on behalf of the petitioners, State as well as on behalf of the complainant. The bail applications moved by the present petitioners before the learned ASJ were dismissed mainly on the ground that investigation was at initial stage on 02.04.2022 and co-accused persons were yet to be arrested, so no ground was made out for grant of bail to the applicants. The order dated 02.04.2022 is reproduced here under:

“2.04.2022

Bail application of applicants Ashwini Sharma and Vinod Singh Chandel are taken together and disposed of vide common order.

Presence: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Jagdeep Vats, Ld. Counsel for complainant
Sh. Prashant Kumar, Ld. Counsel for
accused/applicant.
IO SI Jameel Khan in person along with case files.

Arguments heard. It is argued by the Ld. Counsel for applicants that the applicants were arrested on 30.03.2022. They have been falsely implicated and have nothing to do with the offence. It is submitted that there is a civil dispute between the applicants and the complainant. It is submitted that the daughter of the complainant started creating trouble with the applicants and applicants never even consciously touched her. It is submitted that the CCTV footage would reveal that his complainant and his friend/family were the aggressor and they assaulted the applicants and injuries were suffered by the applicants. It is stated that the opinion on the MLCs of the



applicants is awaited. Ld. Counsel for applicants has submitted that they deserve bail.

Ld. Addl. PP for the State has submitted that the applicants along with other co-accused persons gave beating to the complainant. It is submitted that a civil case for unauthorized construction has been filed by the complainant against applicants and applicants are forcing and threatening the complainant for withdrawing the civil case. It is argued that eight co-accused persons are still absconding and yet to be arrested. It is further argued that the investigation is at the initial stage and bail application should be dismissed parietal. In statement u/s 164 Cr.P.C, of daughter of the complainant has also narrated the entire incident. Considering the nature of the offence, the fact that investigation is at initial stage and co-accused persons are yet to be arrested, no ground is made out to grant bail to the applicants.

Accordingly, the bail application of applicant Vinod Singh Chandel and Ashwini Sharma stands dismissed.

Copy of the order be given dasti to the Ld. Counsel for the applicants. Copy of the order be also sent to the concerned jail superintendent to be served upon both the applicants. Both the applications stand disposed of.”

6. Learned counsel for the petitioners submits that the accused are in continuous judicial custody since 30.03.2022. They have no criminal background. They are neighbours of the complainant and they are living in the same building in a different wing and the dispute was primarily regarding the parking space, which is clear from the FIR itself, as stated in the concluding paragraph. The last paragraph of the FIR is reproduced hereunder:

“Respected duty officer PS Inderpuri it is submitted that on 14.03.2022 DD No. 85A, 86A, 88A, 89A regarding quarrel to I ASI, I ASI with Ct. Mahavir No. 1612/8W has visited at spot C-99, First Floor, Left Side, Inderpuri, New Delhi-110012, where crowd gathered there and caller Mukesh Chaudhary and Ashwani



Sharma met and glasses of car No. DL 3CCM 7548 (Maruti) were broken. ASI has interrogated both parties then it came to know that quarrel made there on the point of parking. MLC No. E851753/22 of Mukesh Chaudhary and his daughter Drishti Chaudhary on MLC No. E/51753/22 done from Dr. RML Hospital. On MLC NO. E/51753/22 Dr. has revealed AHO One lacerated wound (3X0.5 CM) over right side paricetel cline Horizontal over for head and Dr revealed on MLC No. E/51754/22 no fresh external injury @ time of medical examination minor scratched present in (R+) elbow and Scar on (L+) Leg, PCR call kept pending. During this CCTV footage of the spot has checked out.”

7. Learned counsel for the petitioners submitted that later on the complainant has given colour to this incident as that of an attack on him with an intention to kill him as well as to outrage the modesty of his daughter.

8. It has been further submitted that investigation has taken place. Statement of the daughter of the complainant has been already recorded under Section 164 Cr.P.C. and statements of the other witnesses have been also recorded and there are no chances of the petitioner influencing the witnesses or the petitioner and also of absconding as they have roots in the society.

9. On the other hand, on behalf of the State, it has been submitted that the petitioners had attacked the complainant with cricket bat and bricks and flower pots. The cricket bat was recovered at the instance of the petitioner from his house. The other accused persons are evading their arrest, charge sheet is yet to be filed and the investigation of this case is pending and in view of this, it has been prayed that the present bail applications be dismissed.

10. On behalf of the complainant, it has been argued that all the residents of the opposite wing of the complainant had conspired to kill the complainant as he had lodged complaints regarding unauthorised construction in the said



wing as well as he had filed a civil suit for injunction, which is pending in Patiala House Courts and there is a continuous threat to the complainant, who is an Advocate and to his family members.

11. I have gone through the police file. The IO has already got recorded the statement of the daughter of the complainant under Section 164 Cr.P.C. before the learned Metropolitan Magistrate. Most of the statements of the witnesses have been recorded under Section 161 Cr.P.C. The MLC of the complainant shows the following injuries:

- (i) One lacerated wound (3 x 6.5 cm) over right side parietal region.
- (ii) Old healed scar (liner horizontal) over forehead.

The opinion of the Doctor regarding nature of injury is 'Simple'.

12. The prosecution has also placed on record a print out of the CCTV Camera Footage alleging that both the petitioners are shown as aggressors in the said Footage.

13. Learned counsel for the petitioners submits that the petitioners have also preserved the CCTV Footage from the Camera on their side of the building and they have already requested the IO to take the same into custody, so that their version may also be proved during trial.

13.1 Keeping in view the fact that there is no criminal history as far as the present two petitioners are concerned; they are in judicial custody since 30.03.2022; the result of the MLC of the complainant regarding the nature of the injuries is 'simple'; the statement of the daughter of the complainant has already been recorded under Section 164 Cr.P.C.; the weapons of offence have been already recovered; the IO has already recorded most of the statements under Section 161 Cr.P.C.; so, no useful purpose will be served by confining the present petitioners in judicial custody.



14. As far as apprehension regarding the petitioners' influencing the witnesses are concerned, adequate safeguards will be made while imposing the conditions on their release. In view of the above, both the petitioners namely, Mr. Vinod Singh Chandel and Mr. Ashwini Sharma, are hereby directed to be released on execution of personal bond of Rs. 25,000/- with a surety of the like amount to the satisfaction of the concerned Court and subject to the following conditions:

- (i) They shall not try to influence the witnesses or contact the witnesses, either directly or indirectly during the pendency of the investigation/trial.
- (ii) They shall join the investigation, if called by the IO to do so at any point of time and they shall appear before the Court as and when summoned by the Court.
- (iii) They shall share their Mobile Nos. with the IO within one week from the date of release and keep their location on at all times.
- (iv) They shall not leave the country without the permission of the Court.

15. The petitions are accordingly disposed of.

16. Let copy of this order be sent to the learned Trial Court and Jail Superintendent by the Registry.

TALWANT SINGH, J

MAY 9, 2022

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Click here to check corrigendum, if any