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

+ **BAIL APPLN. 1941/2023**

VYOM KUMAR

..... Petitioner

Through: **Mr.Alok Sinha, Advocate**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr.Hemant Mehla, APP for the state
with Mr.Dipanshu Meena, Advocate
SI Rakesh Kumar, PS Tilak Marg**

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Date of Decision: 01.06.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 15785/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1941/2023

1. Present bail application has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 62/2023 registered u/s 279/337/332/353/307 IPC at PS Tilak Marg.
2. The FIR was lodged on the statement of ASI Sunil Kumar wherein it has been alleged that on 20.05.2023 at around 11.15 p.m. the petitioner parked his car bearing Vehicle No. UP-78CS-4683 in a 'No Parking'



area near India Gate. It has been alleged that the petitioner did not move the car, despite repeated requests of the police officials. On this, the complainant directed HC Bhojpal No.1961/T to issue a challan. Meanwhile, the petitioner came and threatened the complainant. It has further been alleged that the petitioner sat in the car and with an intention to kill the complainant and run him over, he hit him with his car. It has been alleged that upon impact, the complainant was thrown at some distance. Meanwhile, hearing the commotion some other police officials also reached the spot and the complainant was taken to RML hospital for treatment.

3. Learned counsel for the petitioner submits that in fact there was no intention on the part of the petitioner to hit the police officer and by mistake some injury was caused. Learned APP has vehemently opposed the bail application on the ground that the petitioner had attempted to commit murder of a police official on duty. Learned APP submits that if such applications are allowed, there will be no respect for the law enforcement agencies in the eyes of the public.
4. I have considered the submissions and perused the records. Perusal of the contents of the FIR reveals that the allegations against the petitioner are quite serious in nature. It is a settled proposition that jurisdiction regarding grant of anticipatory bail is very limited and should be exercised sparingly in cases where there is a possibility of false implication or undue harassment. The contents of the FIR do not indicate false implication or undue harassment. It is not disputed that the petitioner was present on the spot.



5. Jurisdiction under section 438, CrPC is an exceptional power and should be exercised only in exceptional cases and not in general cases. The considerations governing exercise of discretion for granting anticipatory bail are materially different from those of an application for regular bail. While considering the prayer for grant of anticipatory bail a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused. Anticipatory bail is not to be granted as a matter of rule, it has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. In the present case, no such exceptional circumstances exist compelling this Court to grant anticipatory bail.
6. Taking into account the nature and gravity of the offence, the petitioner is not entitled to anticipatory bail.
7. The petition is accordingly dismissed.

DINESH KUMAR SHARMA, J

JUNE 1, 2023

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