



2024 : DHC : 4355



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Reserved on: 16.05.2024**Pronounced on: 28.05.2024*+ **BAIL APPLN. 214/2024 & CRL.M.A. 1647/2024**

DEV SHARMA

..... Petitioner

Through: Mr. K.K. Manan, Sr. Adv. with Mr.
Karmanya Singh Choudhary, Ms.
Snehashish Pyne, Mr. Lavish and Mr.
Anmol Saluja, Advs.

Versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Raghuinder Verma, APP for
State.
Mr. Pradeep Teotia and Mr. Ajeet
Chaprana, Advs. for complainant**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J.**

1. The present petition has been filed by the petitioner under section 438 read with section 482 CrPC seeking anticipatory bail in connection with FIR No. 602/2023 under sections 307/323/341/506/34 IPC and section 27 of Arms Act, registered at P.S. Anand Vihar.
2. The case of the prosecution is that the present FIR was registered on the statement of the complainant-Gaurav s/o Bane Singh wherein he alleged

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that he used to park his tractor near the house of one Vishnu Pandit due to which the family members of Vishnu Pandit used to quarrel with him. About 08-10 days prior to the incident, Gaurav parked his tractor near the park, in front of the house of Vishnu Pandit because of which Love and Shiva Pandit – both grandsons of Vishnu Pandit, quarrelled and manhandled him, thereby threatening him of dire consequences.

3. He further stated that on the intervening night of 11/12.12.2023 at about 11:50 PM, the complainant and his brother Prem Singh @ Chirag were going towards Shanti Mukund Hospital to pick up their car and when they reached near Taj Sweets from Karkardooma village on the main road, the accused persons namely Love, Shiva, Dev and Keshav were already standing there and obstructed the way of the complainant, which led to a quarrel between them whereby Love Pandit hit the complainant with a wooden *danda* on his head and when the brother of the complainant namely, Prem Singh Rathore tried to intervene, Shiva took out a pistol and pointed the same at Prem's temple with an intention to kill him and gave strong blows with the butt of the pistol which led to bleeding from the nose of Prem. Thereafter Dev Sharma hit him on the head and when they tried to escape, Keshav caught hold of the brother of the complainant and strangled him.

4. The complainant also tried to save his brother but Keshav started kicking him, Dev and Love kept on beating him with sticks and Shiva kept on threatening them with a pistol in his hand. On hearing their noise, one neighbour Amit got them released and the PCR call was made.



5. Mr. K.K. Manan, learned Senior Counsel for the petitioners, at the outset submits that the petitioner has been falsely implicated in the present FIR. The name of the petitioner is mentioned in the FIR just because there is previous enmity between the families of the complainant and the petitioner and other co-accused persons. To buttress his contention, Mr. Manan has placed reliance on the anticipatory bail order of the co-accused Keshav Pradhan, passed by the learned ASJ, wherein it is mentioned that *“there was no head injury in the CT Scan of the head and therefore, the allegations in the complaint/FIR that injured Prem Singh Rathore was mercilessly beaten with dandas and iron rods is not corroborated with the medical documents”*.

6. Learned Senior counsel for the petitioner contends that a CCTV camera was also installed outside the house of the applicant which shows that the applicant had not come out from his house at the time of the incident. The said DVR containing CCTV footage was also provided to the IO but the IO has not produced the said CCTV footage. He further submits that a CCTV camera was also installed at the Taj Sweets i.e., near the place of incident but the IO has deliberately not placed the same on record in order to shield the real culprits.

7. Per contra, the grant of anticipatory bail is opposed by the learned APP for the State, as well as, by the learned Counsel for the complainant, who have argued on the lines of the status report.

8. While issuing notice *vide* order dated 19.01.2024, this Court had directed that no coercive action be taken against the present petitioner,



subject to his joining investigation as and when directed by the IO concerned.

9. After the arguments were heard and judgment was reserved, on oral mentioning of the learned counsel for the petitioner, the matter was listed on 16.05.2024. On the said date, the learned counsel for the petitioner submitted that during the pendency of the proceedings the petitioner has already joined investigation, which fact was not disputed by the learned APP for the State, on instructions from the IO, who was present in the Court. It is matter of record that co-accused Love Pandit against whom similar allegations of using *danda* in the fight are levelled, has been granted regular bail whereas co-accused Keshav Pradhan against whom the allegation is that he tried to strangulate the complainant has been granted anticipatory bail.

10. It is also not in dispute that the petitioner does not have criminal record.

11. On a query posed by the Court, the learned APP fairly stated that in the MLC of Dr. Hedgewar Hospital Delhi pertaining to the complainant shows that the Doctor had opined the nature of injury suffered by the complainant is simple though the result of the MLC of the brother of the complainant Prem Singh is still awaited.

12. Considering the aforesaid circumstances and the nature of allegations, it is directed that in the event of his arrest, the petitioner may be released on bail, subject to his furnishing a bail bond in the sum of Rs 25,000/- to the satisfaction of Arresting Officer/IO and further subject to the condition that they will join the investigation as and when directed by the IO concerned.



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13. It is made clear that the observations made herein are only for the purpose of considering the bail application and the same shall not be deemed to be an expression of opinion on the merits of the case.
14. The petition along with pending applications, if any, stands disposed of.
15. Order be uploaded on the website of this Court.
16. Order *dasti* under the signatures of the Court Master.

VIKAS MAHAJAN, J.

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