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

+ **BAIL APPLN. 330/2024**

**KUSUM LATA**

..... Petitioner

Through: Mr. Pradeep Kumar Arya, Mr. Aditya Kumar Yadav, Mr. Gaurav Chaudhary, Mr. Arpit Bamal & Mr. Vaibhav Chaudhary, Advocates.

versus

**STATE(GOVT OF NCT OF DELHI)**

..... Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State.  
Mr. Sanjay Rathi, Advocate for complainant.

**CORAM:**

**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**31.01.2024**

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1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of anticipatory bail in case FIR bearing no. 736/2023 dated 13.09.2023 registered at Police Station Ranhola, Delhi for offence punishable under Sections 308/323/34 of the Indian Penal Code, 1860 ('IPC').
2. Briefly stated the facts of the present case are that the complainant aged about 76 years on 13.09.2023, along with his wife and younger son had gone to visit there fields near GRM School, Akash Vihar. Upon reaching, complainant saw that the accused persons i.e., his elder son and his wife, were present at the alleged field and were ploughing the field. It is alleged that the accused persons had illegally occupied the said field and they started



quarrelling with the complainant, his younger son and his wife. It is further alleged that the complainant had called police. In the meanwhile, while the complainant was going towards GRM School his younger son had verbal quarrel with the accused persons and thereafter, the accused persons had beaten the complainant, his wife and his son with sticks and axe. It is also alleged that the complainant, his wife and son were left unconscious and it is upon reaching of the police officials that the complainant and his other family members could have been taken to the Hospital. Therefore, the present FIR was registered.

3. Learned Senior Counsel appearing on behalf of the applicant/accused vehemently states that the present case is nothing but a counter blast to the pending criminal and civil litigation between the parties. It is further vehemently submitted that the applicant/accused had filed a complaint against the complainant and an FIR bearing No. 231/2017 had been registered at Police Station, Nihal Vihar under Sections 354-A/323/506/34 of the IPC. It is also submitted that as per the contents of the FIR it was younger son of the applicant/accused who had instigated the applicant/accused to start a fight.

4. Learned Senior Counsel further submits that FIR bearing No. 742/2023 under Sections 323/341/354/506/509/34 IPC is also registered against the complainant much prior to registration of the present FIR. It is stated that on the day of incident while the applicant/accused was present along with his wife the complainant along with others had come and fought with the him. Thereafter, complainants younger son had stabbed the accused persons and in order to save themselves they had ran from that place. It is further submitted that the applicant/accused is the son of the complainant



and it is due to family disputes the present FIR has been registered. It is also submitted that the applicant/accused has already joined investigation and is cooperating with the investigation.

5. On the other hand, learned APP for the state strongly opposes the present anticipatory bail application and submits that the applicant/accused is not cooperating with the investigation and that the complainant and his other family members have suffered injuries and had to be hospitalized. It is submitted that the applicant/accused may threaten the complainant and that the investigation at present stage is early. Therefore, the instant petition be dismissed.

6. This Court has heard arguments on behalf of the applicant/accused and learned APP for the State and has perused the material placed on record.

7. This Court is of the opinion that in the instant case, the complainant, his wife and younger son had been physically assaulted by the applicant/accused along with co-accused i.e., husband of the applicant/accused, using axe and sticks, due to some property dispute between the parties. This altercation had resulted in severe injuries being sustained by the complainant, his wife and younger son. Additionally, the complainant, his wife and younger son had to be admitted to a hospital for medical treatment due to injuries sustained by them during the incident. This Court notes that investigation in the present case is at a very early stage and is pending and that the chargesheet has not been filed yet.

8. Considering the overall facts and circumstances, this Court does not find any ground of grant of anticipatory bail to the applicant/accused at this stage as the complainant, his wife and younger son have suffered serious injuries and investigation is still pending and custodial interrogation of the



applicant may be required in terms of facts and circumstances.

9. In view thereof, the present application stands dismissed.

10. However, nothing expressed hereinabove shall be construed as opinion of this Court on the merits of the case.

11. The order be uploaded on the website forthwith.

**SWARANA KANTA SHARMA, J**

**JANUARY 31, 2024/at**

*Click here to check corrigendum, if any*