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

+ **BAIL APPLN. 394/2024**

HARVINDER BALHARA THROUGH PEROKARPetitioner

Through: Mr. Vikram Singh, Mr. Deepak
Sharma, Mr. Sandeep Arya, Mr.
Nikunj Sharma, Advocates.

versus

STATERespondent

Through: Ms. Richa Dhawan, APP for the
State.
Mr. Ayaz Ahmed, Advocate for the
Complainant.
SI Manoj Kumar, ACP Vijay Kumar
Singh, Mehrauli

**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER
19.07.2024**

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1. The Petitioner has approached this Court for grant of bail in FIR No.640/2023 dated 24.10.2023 registered at Police Station Mehrauli for offences under Section 307, 354(B), 451, 342 & 34 IPC.
2. The present FIR is the outcome of a fight between the neighbours. A perusal of the FIR indicates that the fight seems to have ensued because the Petitioner/accused was of the belief that a demolition drive was initiated at the instance of the Complainant's family. The FIR implicates virtually all the members in the family of the Petitioner.
3. The case against the Petitioner primarily is that he is the one who instigated and started the fight. The MLC record reveals that the injuries are



dangerous in nature. The Petitioner is in custody from 24.10.2023.

4. Material on record indicates that other than the Petitioner, one more accused person, i.e., Kuldeep Balhara, all other accused persons who have been named in the FIR have been granted bail.

5. Learned APP for the State and the learned Counsel for Respondent No.2/Complainant vehemently opposes the present bail application contending that serious injuries have been inflicted upon the Complainant and the Petitioner herein was the *causa causans* of the entire episode.

6. In view of the fact that all the other accused persons named in the FIR have been granted bail, just because the Petitioner seems to be main instigator of the fight, this Court is of the opinion that the Petitioner need not be kept in custody any further.

7. The parameters for grant of bail have been succinctly laid down by the Apex Court in several judgments. In Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496, the Supreme Court laid down the parameters for granting or refusing the grant of bail which are as under:

“i. whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

ii. nature and gravity of the accusation;

iii. severity of the punishment in the event of conviction;

iv. Danger of the accused absconding or fleeing, if released on bail;

v. character, behavior, means, position and standing of the accused;



vi. Likelihood of the offence being repeated;

vii. Reasonable apprehension of the witnesses being influenced; and

viii. Danger, of course, of justice being thwarted by grant of bail.”

8. Applying those parameters in the facts of this case, this Court is of the opinion that since it is a fight between the neighbours, no dangerous weapons have been used and all other accused named in the FIR have been granted bail and also the fact that the Petitioner is about 54 years of age, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

- i. The Petitioner shall furnish a security for the sum of Rs.50,000/- with two sureties in the like amount to the satisfaction of the Trial Court.
- ii. The Petitioner shall not influence or pressurize the prosecution witnesses.
- iii. The Petitioner shall not tamper with the evidence or threaten the witnesses/complainant.
- iv. The Petitioner shall report to the Police Station once in every month, i.e., on 15th day of every month at about 10:00 AM and shall be released within one hour's time after completing all the formalities.
- v. The Petitioner shall give all his mobile numbers to the Investigating Officer and shall keep those number(s)



operational at all times.

- vi. The Petitioner shall appear before the Trial Court on all dates and attend all the proceedings.
 - vii. Violation of any of the aforesaid conditions shall lead to cancellation of bail granted by this Court.
9. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 19, 2024

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