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

+ **BAIL APPLN. 956/2024**

WAJAHAT MALIK

..... Petitioner

Through: Mr. Altaf Hussain and Mr. Aftab Hussain, Advocates.

versus

THE STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State with Ms. Bhawna Gera, Advocate. SI Akshay, PS Shaheen Bagh.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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23.04.2024

1. The present application under Section 438 of the Cr.P.C. seeks anticipatory bail in case FIR No. 450/2023 under Sections 186/353/332/34 of the IPC and Section 3 of Prevention of Damage to Public Property Act, 1984, registered at P.S. Shaheen Bagh.
2. The case of the prosecution as per the status report dated 28.12.2023 authored by Insp. Dinesh Kumar is as under:-

“1. Most respectfully it is submitted that the above mentioned case was registered on the complaint of Sh. Tilak Raj who is working as Driver in Delhi Transport Corporation; who alleged that on 28/12/2023 while he was discharging his duty and was driving DTC bus vide Reg. no. DL1P9457, suddenly a motorcycle came in front of the bus due to which he had apply emergency brakes, there were two persons sitting of the motorcycle argued with the complainant and left the place. When complainant reached Shaheen Bagh Bus Stand, the same persons came on motoredle bearing no. DL35FE6039 and attacked complaint with a wooden stick (Lathij due to wnich he got injured and also damaged the bus by breaking the glasses or the bus. In this regard, the present case was registered and investigation Mes taken up.

2. That, during the course of investigation the motorcycle bearing no.



DL35FE6039 was found to be registered on the name of applicant le Wajahat Malik S/o Tajuddin Khan R/o N-28, Abul Fazal Enclave-1, Jamia Nagat, New Delhi, Pis 7303113177, who was contacted on his mobile number several times but he did not responded and thereafter his house was visited where he was not found present. He has been served with Notice U/s 133 MV Act two times but the applicant did not respond to the notices served to him. But the petitioner did not respond to the notices and intentionally absconded from the investigation of the present case.

3. That, the petitioner had filed anticipatory bail before Ld. ASI Court, in this regard, the petitioner was ordered to join the investigation during which he was interrogated. Initially the petitioner had stated that he had nothing to do with the present case and he did not involve in any kind of quarrel with any such bus driver. Thereafter, On 12/02/2024, TIP of the petitioner was conducted during which he was successfully identified by the complainant. (copy of the order is annexed herein as annexure A-1)

4. That, on 01/03/2024 the anticipatory bail of the petitioner was dismissed by the Hon'ble Court of Sh. Vipin Kharb, Ld. ASJ, Saket Courts, New Delhi.

5. That, the nature of injuries sustained by the complainant is Simple.

6. That, during further course of investigation CCTV footage of the camera installed in the DTC bus was obtained in which the petitioner along with 2 other persons, could be seen having one stick, in his hand, assaulting the complainant, and breaking the door glass of the bus along with co-accused persons.

7. That, on 16/03/2024 the petitioner has joined the investigation in compliance to the order of this Hon'ble Court, during the interrogation the petitioner disclosed that his Father and his elder brother was accompanying him.”

3. Learned counsel appearing on behalf of the applicant submits that in pursuance of the interim order granted by this Court, the applicant has joined investigation as directed by the Investigating Officer. It is submitted that the applicant is a young man who is pursuing education from Indira Gandhi National Open University (IGNOU). It is further submitted that the applicant is not involved in any other offence.

4. *Per contra*, learned APP for the State submits that the applicant



alongwith his father and brother is responsible for causing injury to the complainant who was on public duty on a private DTC bus. It is further submitted that the applicant has joined investigation and during the same was successfully identified by the complainant. It is further submitted that the other evidence on record is already in possession of the Investigating Officer.

5. The applicant had joined investigation in pursuance of the notice issued by the Investigating Officer and the evidence is already in possession of the latter. In view of the above and the fact that he is pursuing his education from IGNOU, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the Investigating Officer/Arresting Officer, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.
- v. The applicant will not try to influence the witnesses in any manner.
- vi. The applicant shall provide his mobile number to the



Investigating Officer and intimate about any change.

6. The application is allowed and disposed of accordingly.
7. Pending applications, if any, also stand disposed of.
8. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
9. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 23, 2024/sn

[Click here to check corrigendum, if any](#)