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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2537/2024**
LALITPetitioner

Through: Mr. Sachin Sangwan, Mr. Saurabh Mahla, Advocates.

versus

THE STATE NCT OF DELHIRespondent
Through: Mr. Amit Ahalawat, APP for State with SI Bahadur Singh, PS: Bahadur Singh, PS: Dwarka South.

+ **BAIL APPLN. 2550/2024**
SATPALPetitioner

Through: Mr. Sachin Sangwan, Mr. Saurabh Mahla, Advocates.

versus

THE STATE NCT OF DELHIRespondent
Through: Mr. Amit Ahalawat, APP for State with SI Bahadur Singh, PS: Bahadur Singh, PS: Dwarka South.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
22.08.2024

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1. These petitions have been filed seeking bail in FIR no. 209/2024, P. S. Dwarka South, Sections 308, 323, 341, 354, 506, 509, 34 of IPC.
2. As per the case of the prosecution, the complainant, Mr Ashish Gahlot



is an Advocate and was present along with his client on 7th June, 2024 at about 12.15 p.m. at Dwarka Court Mediation Centre.

3. The mediation proceedings were between petitioner Satpal and his wife Madhu and for the purpose of the mediation. The family of Satpal included brother Lalit, sister Renu, mother Ishwanti and father Atar Singh who were present.

4. Since the settlement could not take place, it is alleged by the complainant that the accused beat them and they received various injuries. As per the status report which appends the MLC, the injuries included tenderness and swelling in the right hand and some lacerated wound on the parietooccipital region and other abrasions.

5. The accused persons also received some injuries and on the statement of Ishwanti Devi, FIR no. 211/2024 under Section 323/341/354/506/509/34 IPC, PS Dwarka South was registered.

6. There was no substantial CCTV footage available at that point. Counsel for petitioner, however, points out order dated 02nd August, 2024, where the Trial Court granted anticipatory bail to petitioner's sister Renu Dahiya who also implicated in the said FIR. The Trial Court notes that one CCTV recording is available in the mobile phone of the I.O. where it is observed that the accused was not to be seen and the other 4 accused persons were beaten up by the passers-by. The sister Renu Dahiya was granted anticipatory bail by the Trial Court.

7. Notwithstanding the same, counsel for complainant states that such an incident occurring outside the mediation centre was unacceptable and that too causing injury to a lawyer.



8. To this, counsel for the petitioner states, that the issue got exacerbated due to the aggressive moves by the lawyer himself, and considering that there were so many lawyers present that time, the accused were in fact surrounded and had to defend themselves.

9. Notwithstanding these respective contentions, it is noted that the investigation is over and the charge-sheet is to be filed in the next couple of days and the accused are not required for any further investigation.

10. APP for State states on instructions of the IO that the evidence as required is already available with the I.O. and will form part of the chargesheet.

11. The Hon'ble Supreme Court in ***Satender Kumar Antil v. CBI***, (2022) 10 SCC 51, observed as follows:

“12. The principle that bail is the rule and jail is the exception has been well recognised through the repetitive pronouncements of this Court. This again is on the touchstone of Article 21 of the Constitution of India...”

(emphasis added)

12. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner.

13. Consequently, the petitioners are directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioners will not leave the country without prior permission of the Court.



- ii. Petitioners shall provide permanent address to the Trial Court. The petitioners shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
 - iii. Petitioners shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Petitioners shall join investigation as and when called by the IO concerned.
 - v. Petitioners shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
 - vi. Petitioners shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
 - vii. As part of community service, both the petitioners shall organize a *bhandara* for children and senior citizens of the village Samaspur, Majra, Tehsil/District-Jhajjar, Haryana twice a month for the next two months. In addition, the petitioners shall plant 50 trees, in the vicinity of their village. An affidavit of compliance with photographs and the endorsement of village head/Sarpanch will be filed before this Court and a copy of the same will be given to the IO.
14. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.
15. Copy of the order be sent to the Jail Superintendent for information and



necessary compliance.

16. ‘*Dasti*’.

17. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

18. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 22, 2024/RK

Click here to check corrigendum, if any