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

+ **BAIL APPLN. 3852/2023**

NEERAJ SOLANKI

..... Petitioner

Through: Mr. D. Hasija, Ms. Prachi Hasija and
Mr. Surya Shekhar Kumar, Advocates

versus

STATE OF DELHI (N.C.T. OF DELHI)

..... Respondent

Through: Ms. Meenakshi Dahiya, APP with
Insp. Jagmohan, DIU / Dwarka.
Mr. Sudhir Tawatia and Mr. Rachit
Singh, Advocates for Complainant.

+ **BAIL APPLN. 39/2024**

JAG PRAVESH SOLANKI ALIAS GUNI

..... Petitioner

Through: Mr. N. Hariharan, Sr. Advocate with
Mr. Siddharth S. Yadav, Mr. R.
Ashok, Ms. Sneha Bakshiram,
Mr. Rahul Yadav, Ms. Punya Rekha,
Mr. Shallian Mukherjee, Mr. Mueed
Shah, Mr. Prateek Bhalla and
Mr. Harsimran Singh, Advocates.

versus

STATE OF NCT DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP with
Insp. Jagmohan, DIU / Dwarka.
Mr. Sudhir Tawatia and Mr. Rachit
Singh, Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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30.01.2024

1. BAIL APPLN. No. 39/2024 under Section 439 read with Section 482
of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on



behalf of the petitioner Jag Pravesh Solanki @ Guni for grant of regular bail while BAIL APPLN. No. 3852/2023 under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of co-accused Neeraj Solanki for grant of anticipatory bail, in FIR No. 467/2023 under Sections 308/34 IPC registered at P.S.: Dwarka South, Delhi.

2. In brief, as per the case of the prosecution, the FIR was registered on complaint of one Vishal Ruhil, who alleged that accused Vikram Solanki @ Tota is a coach of Judo in Dada Dev Judo Academy, Palam Village, wherein the complainant Vishal Ruhil also used to practice under another coach. There was an altercation between Vikram Solanki and Vishal Ruhil, since accused Vikram Solanki wanted to take Vishal Ruhil under him for practice.

On 15.09.2023, after enquiring Vishal Ruhil about his location, accused Vikram Solanki, Jag Pravesh Solanki, Neeraj Solanki, Rohit Solanki, Ankit Solanki, Sachin Solanki, Sunny Gill and Navjot Chahal reached at Ramphal Chowk in Palam Village and assaulted the complainant Vishal Ruhil and his cousin Vishant Ruhil. Complainant Vishal Ruhil and Vishant Ruhil were hit on the head with a wooden stick (fatta) by Navjot Chahal as well as Vikram Solanki @ Tota. Remaining accused are alleged to have hit with kick and fists. Accused Neeraj Solanki is also alleged to have hit with butt of pistol on the head of Vishal Ruhil.

3. Learned counsel for the petitioner Jag Pravesh Solanki submits that petitioner has been in custody since 30.09.2023 except for a short period of interim bail from 07.12.2023 to 22.12.2023, as well as from 13.01.2024 till date on account of his marriage.

It is further urged that in the fight between both the groups injuries were sustained by both sides. It is pointed out that the injuries sustained by the



complainant have been opined to be simple and the chargesheet has been filed by the prosecution under Section 308/34 IPC, against accused Vikram Solanki @ Tota as well as applicant Jag Pravesh Solanki @ Guni. It is further submitted that both injured were discharged from the Government hospital on the same date, though it has been pointed out by learned counsel for the complainant that they had been shifted thereafter, to a private hospital from wherein they were discharged on 18.09.2023 (i.e. 03 days after the incident).

4. Learned counsel for applicant Neeraj Solanki submits that applicant has since joined the investigation pursuant to orders passed by Hon'ble Mr. Justice Saurabh Banerjee on 10.11.2023, though interim protection was not granted. Further, no recovery is stated to have been made, as no pistol as alleged was used. It is further submitted that role of present applicant is also at parity with that of co-accused Jag Pravesh Solanki.

5. Learned counsels for the petitioners have further referred to the chargesheet wherein, the role of the petitioners, stands elaborated after investigation.

6. On the other hand, the applications have been vehemently opposed by learned APP for the State assisted by learned counsel for the complainants/injured. It is submitted by learned APP for the State that injured Vishal Ruhil could not participate in Asian Games due to assault by the accused. It is further pointed out that three of co-accused are yet to be arrested and proceedings under Sections 82/83 Cr.P.C. have been initiated. The chargesheet is stated to have been filed only against two of the accused (i.e. Vikram Solanki @ Tota and Jag Pravesh Solanki @ Guni) and the same is yet to be filed against Neeraj Solanki, as the investigation is still pending.

7. I have given considered thought to the submissions made.



8. It may be observed that accused Jag Pravesh Solanki @ Guni had been in custody for the period as referred to above since 30.09.2023, except period of interim bail.

Admittedly, the injuries have been opined to be simple in nature and both the injured were finally discharged from the hospital on 18.09.2023. Applicant is no more required for purpose of investigation.

However, so far as accused Neeraj Solanki is concerned, recovery of the alleged pistol used in the incident is yet to be made.

Considering the facts and circumstances of the case, accused Jag Pravesh Solanki @ Guni is admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the learned Trial Court / Duty MM / MM Concerned and subject to following conditions:

- (i) Petitioner shall surrender his passport with the Police;
- (ii) Petitioner shall not temper with the prosecution evidence in any manner or influence the witnesses;
- (iii) Petitioner shall not visit the area of 01 Km. from the residence of the complainant, since both the complainant and petitioner belong to same village;
- (iv) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned at the time of release.

BAIL APPLN. 39/2024 is accordingly disposed of.

9. So far as accused Neeraj Solanki is concerned, since the recovery of the pistol is yet to be made, which was allegedly used in the incident, no grounds for anticipatory bail are made out.



BAIL APPLN. 3852/2023 is accordingly dismissed.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 30, 2024/R