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

+ BAIL APPLN. 2779/2024
HARSHDEEP SINGH

.....Petitioner

Through: Mr. Rajeev Krishan
Sharma, Ms. Megha
Sharma, Mr. Shantanu
Singh & Mr. Raman
Singh, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State
SI Ramchander, PS- Tilak
Nagar

+ BAIL APPLN. 2782/2024
INDERJEET SINGH

.....Petitioner

Through: Mr. Rajeev Krishan
Sharma, Ms. Megha
Sharma, Mr. Shantanu
Singh & Mr. Raman
Singh, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State
SI Ramchander, PS- Tilak
Nagar

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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10.09.2024

**CRL.M.A. 23255/2024 (for exemption) in BAIL APPLN.
2779/2024**

**CRL.M.A. 23267/2024 (for exemption) in BAIL APPLN.
2782/2024**

1. Exemptions allowed, subject to all just exceptions.



2. These applications stand disposed of.

BAIL APPLN. 2779/2024 & BAIL APPLN. 2782/2024

3. The present applications are filed seeking regular bail in FIR No. 34/2024 dated 14.01.2024 registered at Police Station Tilak Nagar for offences under Sections 302/323/34 of the Indian Penal Code, 1860.

4. The FIR was registered on a PCR call regarding a quarrel. The Police, on reaching the spot of incident, found that the injured persons had been taken to DDU Hospital. One of the victims, namely, Shyamlal, was found to have been *brought dead* to the hospital. The MLC mentions 'physical assault'.

5. It is alleged that the complainant and his cousin saw the applicant – Harshdeep Singh peeing on the bumper of the car of the complainant. It is alleged that upon confronting, the applicant – Harshdeep started abusing them. In the meantime, the other accused Gagandeep (brother of the applicant, Harshdeep) and the applicant, Inderjeet (father of Gagandeep and applicant, Harshdeep) came there and gave them beatings. It is alleged that when the victim tried to rescue the complainant, the accused persons threw him on the stairs of a nearby shop due to which the victim sustained a head injury. It is further alleged that when the victim got up and tried to escape, the applicant – Inderjeet hit him on his head with a stick. As per the postmortem report, the cause of death is a cerebral injury caused by blunt force impact and the nature of injuries were deduced to be *ante-mortem* in nature.

6. It is not disputed that the co-accused, Gagandeep Singh, had been admitted on bail by this Court by order dated 04.07.2024. The applicants are the brother and father of the co-accused, Gagandeep Singh.



7. While admitting the co-accused, Gagandeep Singh on bail, this Court noted that the affidavit was filed by the complainant during the proceedings before the learned Trial Court stating that after perusal of the CCTV footage, the complainant found that the death of the victim happened due to an accident.

8. The complainant had also deposed that there is no previous enmity between the accused persons and the family members of the complainant and that the quarrel happened because the parties were intoxicated.

9. This Court had also perused the CCTV footage and noted that the scuffle took place between the family of the complainant and the accused persons which also included ladies of the families. It was noted that due to the commotion, it appeared that some of the people fell down which led to further injuries and the victim sustained a head injury. It was also noted that the CCTV footage did not show that any weapon was used by the accused persons and that the family members of the accused had also received injuries during the said altercation. It was observed as under:

“23. Admittedly, the applicant and his family members were celebrating the Lohri festival. The wife of the applicant is stated to have given birth to a child in the month of January, 2024. It is also apparent from the perusal of the CCTV footage that the applicant was also mercilessly beaten by the complainant and his family members. The contention that the cause of the death was accidental, as also stated by the complainant in his reply filed before the learned Trial Court, cannot be ruled out.

24. The footage also shows that the applicant and his family were in fact outnumbered by the family and friends of the complainant. Even as per the allegations, altercation seems to have taken place due to the provocation and the parties being intoxicated appear to have lost the self-control because of the alleged provocation. The applicant is in custody since 14.01.2024 and the chargesheet has already been filed. The applicant thus is no longer required for further investigation.

25. The applicant is a young man of twenty-seven years



of age having a dependent wife and one minor child who is only seven months old. No purpose would be served by keeping the applicant in further custody.

26. Admittedly, the applicant has deep roots in society. The applicant, therefore, cannot be called a flight risk. Even though, the witnesses are stated to be neighbours of the applicant, no apprehension has been raised by prosecution that they will be threatened if the applicant is released on bail. Moreover, appropriate conditions can be put to allay such apprehension."

10. The applicants are in custody since 14.01.2024 and the chargesheet has already been filed in the present case. It is not the case of the prosecution that the custody of the applicant is needed for the purpose of further investigation.

11. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

12. In view of the above, without commenting further on the merits of the case, I am satisfied that the applicants have made out a case for grant of regular bail on the ground of parity.

13. The applicants are, therefore, directed to be released on bail on furnishing personal bond for a sum of ₹20,000/- with two sureties of the like amount, by each of the applicants, subject to the satisfaction of the learned Trial Court on the following conditions:

- a. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicants shall not contact any of the witnesses in any manner whatsoever;



- c. The applicants shall under no circumstance leave the country without the permission of the learned Trial Court;
- d. The applicants shall appear before the learned Trial Court as and when directed;
- e. The applicants shall provide the address where they would be residing after their release and shall not change the address without informing the concerned IO/ SHO;
- f. The applicants shall, upon their release, give their mobile numbers to the concerned IO/SHO and shall keep their mobile phones switched on at all times.

14. In the event of there being any FIR/DD entry / complaint lodged against the applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

15. It is clarified that any observations made in the present order are for the purpose of deciding the present bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

16. The bail applications are allowed in the aforementioned terms.

17. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

SEPTEMBER 10, 2024

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