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

+ **BAIL APPLN. 4192/2023**

JATIN SHARMA

..... Applicant

Through: Mr.Pradeep Rana, Mr.Gagan
Bhatnagar, Mr.Tushar
Rohmetra, Ms.Yosha, Adv.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms.Priyanka Dalal, APP with
SI Sukhchain, SI Jitendra.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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01.02.2024

1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') praying for the applicant to be released on Regular Bail in FIR No.1450/2023 registered at Police Station: Nihal Vihar, Outer District, New Delhi under Sections 307/324/34 of the Indian Penal Code, 1860 (in short, 'IPC').

2. It is the case of the prosecution that on 13.11.2023, a PCR call vide DD No 133A was received in the Police Station, Nihal Vihar, Outer District, regarding a quarrel taking place at H-55, Peer Baba Road, Gali No. 15, Shiv Ram Park, Nihal Vihar, Delhi-41 over parking issue. When the police reached there, the injured had already been taken to the hospital. The injured/complainant in his statement recorded under Section 161 of Cr.P.C., stated that on 13.11.2023 at



around 6:30 PM, he accompanied by his employee Sonu, Son of Mr. Harish Chand Sharma (other injured), visited his friend's house in Shiv Ram Park, Gali No. 14, to deliver a box of sweets. He parked his car at the corner outside of street No. 14 and proceeded to his friend's house. Upon their returning, a man named Umesh came out from his stationary shop, accompanied with applicant, and engaged in an argument with him regarding his car parking. Subsequently, Umesh assaulted the complainant with sticks (*danda*) on his waist and hands. Another man, referred to as Suresh Chacha (co-accused), also joined in from a nearby grocery shop, hitting him with a stick (*danda*). As the helper of the complainant tried to intervene, he was also beaten with sticks (*danda*). Suddenly, Umesh (co-accused) brought a sword and started attacking him on his head multiple times. In the struggle, he sustained grievous injuries on his head and hands. His helper Sonu, who tried to save him, also suffered a sword-inflicted injury to his right hand.

3. The learned counsel for the applicant submits that it was the complainant who started the fight. He submits that the complainant, on his Facebook profile, has posted his photograph carrying a sword which also shows that the sword is belonging to the complainant himself. He submits that other injured, namely Sonu, in his statement recorded on 14.11.2023, also admitted that he along with the victim had picked up a stick (*danda*) from their own car during the course of the fight. He submits that therefore, both the alleged weapons of offence were, in fact, carried by the victims themselves. He submits that, in any case, the applicant is 19 years old and was working only as



a helper in the shop belonging to Umesh. He submits that the applicant has no criminal antecedents and has deep roots in the society otherwise. He states that the charge-sheet already stands filed and there is no chance of the applicant either escaping the process of law or in any manner hampering the investigation/trial.

4. On the other hand, the learned APP submits that the allegations against the applicant are rather grave in nature. She submits that the applicant along with the co-accused Umesh had beaten the victims by using the sticks (*danda*) and a baseball bat. Referring to the MLC of the complainant, she submits that the injury also corroborates with the applicant being attacked with a sword and also by a *danda*. She submits that the baseball bat has also been recovered at the instance of the applicant herein. She submits that therefore, the applicant should not be released on bail at present.

5. I have considered the submissions of the learned counsels for the parties.

6. As noted hereinabove, the applicant is a boy of 19 years and was working merely as a helper in the shop belonging to the co-accused Umesh who is stated to have first entered into an argument with the complainant over the parking of the car. The same seems to have escalated later with the cross accusations being made, where the applicant alleges that it was the complainant who was carrying the stick (*danda*) and the sword which he had taken out of the car in the course of the scuffle. These would be the matters to be determined in the trial.

7. The applicant has been in custody since 14.11.2023. As per the



nominal roll, his conduct in the jail has been good and there are no criminal antecedents. It is alleged that he used the stick and not the sword.

8. Keeping in view the above circumstances, the applicant Jatin Sharma is directed to be released on bail in FIR No.1450/2023 registered at Police Station: Nihal Vihar, Outer District, New Delhi under Sections 307/324/34 of the IPC 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 Ld. Trial Court, and further subject to the following conditions:

- i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
- ii. The Applicant shall provide his permanent address to the learned Trial Court. The applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his 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 provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the Ld. Trial Court and the IO concerned. The mobile location be kept on at all times.
- v. The Applicant shall not indulge in any criminal activity and



shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses.

9. Needless to state, 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.

10. The bail application is disposed of in the above terms.

11. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

12. *Dasti.*

NAVIN CHAWLA, J

FEBRUARY 1, 2024/Arya/RP

Click here to check corrigendum, if any