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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4375/2023**
HOSHIYAR SINGH

..... Petitioner

Through: Mr.Hirein Sharma, Mr.Vimal
Tyagi, Mr.Mohit Yadav,
Mr.Balaji Pathak and
Mr.Vishal, Advs.

versus

STATE

..... Respondent

Through: Ms.Prabha Mishra, Adv. for
complainant (through VC)
Mr.Aman Usman, APP with
ASI Mukesh and SI Shubham

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.01.2024**

CRL.M.A. 35780/2023 (Exemption)

1. Allowed, subject to all just exceptions.

BAIL APPLN. 4375/2023 & CRL.M.A. 35781/2023

2. The learned APP has handed over the Status Report, which is taken on record.

3. This application has been filed seeking anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in FIR No. 255/2023 registered at Police Station Jaffarpur Kalan under Sections 323/354/354A/509/34 of the Indian Penal Code, 1860.

4. The learned counsel for the applicant submits that the FIR has been registered as a counter blast to the FIR registered at the behest of



and on the complaint of the niece of the applicant against the brother of the complainant in the present FIR.

5. He further submits that the co-accused have either been released on bail or have been granted anticipatory bail by the concerned court.

6. He submits that the applicant has also joined investigation and undertakes to join the same in future as well. He further submits that the applicant also undertakes to maintain peace and not to, in any manner, make contact with the complainant.

7. The learned APP does not dispute the assertion that the other co-accused have either been released on bail or have been granted anticipatory bail by the concerned court. He further submits that the applicant has joined in the investigation and has been bound down.

8. On the other hand, the learned counsel for the complainant submits that specific allegations have been made against the applicant and he is the main accused. She submits that he should, therefore, not be granted anticipatory bail. She further submits that the applicant is likely to cause pressure on the complainant and hamper in the investigation if granted anticipatory bail.

9. I have considered the submissions made.

10. It is evident from the reading of the two FIRs that there are cross allegations made by the two parties, who are family members, against each other. The co-accused persons in the present FIR have either been released on bail or have been granted anticipatory bail by the concerned court. The applicant has also joined in the investigation and has been bound down.

11. In light of the above, the Court is of the considered opinion that



the applicant is entitled to anticipatory bail. Consequently, in the event of arrest, the petitioner shall be released on bail subject to furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the IO/Arresting Officer/SHO concerned, and further subject to the following conditions:

- (i) that the applicant will join investigation as and when directed, in writing;
- (ii) that the applicant shall not leave NCT of Delhi without intimating the IO/SHO concerned;
- (iii) that the applicant shall not, directly or indirectly, try to contact/influence the complainant/victim or any other witness(s) or tamper with evidence of the case; and,
- (iv) that the applicant shall furnish his mobile phone/landline number and residential address to the IO/SHO concerned and shall keep his mobile/landline phones operational at all times during this period, and in the event of any change of the same, will immediately inform the same to the IO/SHO.

12. The Bail Application is disposed of in the above terms. Pending applications (if any) are disposed of as infructuous.

NAVIN CHAWLA, J

JANUARY 4, 2024/ns/am

Click here to check corrigendum, if any