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

+ **BAIL APPLN. 3223/2024**

HARSH ARORA

.....Petitioner

Through: Mr. Murari Tiwari with Mr. Kamal Nayan, Mr. Abhinandan Pandey, Ms. Sneha Singh and Ms. Archana Singh, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State.
SI Abhishek Dehraj, P.S.: DIU.
Mr. S. K. Saha, Advocate for the complainant.
Complainants in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

19.09.2024

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By way of the present petition filed under section 483 of the the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No. 0549/2024 dated 24.07.2024 registered under sections 110/115/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 at P.S.: Mukherjee Nagar, Delhi.

2. Notice on the petition was issued on 06.09.2024; pursuant to which Status Report dated 05.09.2024, based on pre-verification conducted by the Investigating Officer, has been handed-up in court today. The same is taken on record.
3. Nominal Roll dated 11.09.2024 has been received from the Jail Superintendent.
4. The court has heard Mr. Murari Tiwari, learned counsel appearing for the petitioner; Mr. S. K. Saha, learned counsel appearing on behalf of



the complainants; as well as Mr. Utkarsh, learned APP appearing for the State.

5. Mr. Tiwari submits, that as will be seen from a perusal of the status report, the subject FIR was registered in connection with an altercation and violence that took place between two groups of people; and the petitioner was a member of one of the groups.
6. It is submitted that it is important to note that though there were about 11 persons comprised in the two groups, *only one* person *i.e.* the present petitioner, was arrested on 29.07.2024; and after a 01-day police remand, the petitioner was sent to judicial custody.
7. Learned counsel draws attention to what has been narrated in the status report, which says that based on the CCTV footage analysed in the course of investigation, it transpires that both sides know each other and that at about 10:45 p.m. on 21.07.2024, 11 persons comprising the opposing group came in their vehicles *to the petitioner's residence* in Nirankari Colony, Delhi. Counsel informs the court that the opposing group resides in Gandhi Vihar, Delhi which is about 4 kms from the petitioner's house.
8. Mr. Tiwari submits, that as narrated in the status report and in the FIR, thereafter a fight ensued between the two groups, in which the prosecution alleges, the petitioner was also involved. The allegation against the petitioner is that in that fracas, the petitioner gave beatings to some members of the opposing group. It is submitted however, that what is noteworthy, is that except for two persons of the opposing group, the other members received only 'simple' injuries.



9. Mr. Tiwari further argues, that the FIR in respect of an incident that occurred on 21.07.2024 only came to be registered 03 days later on 24.07.2024; and as narrated in the status report, no weapon has been recovered from the petitioner. Counsel also submits, it was at the petitioner's instance that the matter was transferred from the local police station to the DIU-North-West Delhi on 13.08.2024, since according to the petitioner, investigation in the matter was not being conducted properly by the local police.
10. Learned counsel also submits, that the petitioner and other accused persons had also addressed a complaint dated 26.07.2024 to the S.H.O., P.S.: Mukherjee Nagar, Delhi but so far no FIR has been registered based on their complaint, despite the fact that the complaint discloses the commission of cognizable offences.
11. In the circumstances, Mr. Tiwari submits that the petitioner deserves to be enlarged on regular bail.
12. Arguing on behalf of the State, learned APP submits that the petitioner was arrested by the previous Investigating Officer ('I.O.') before the investigation was transferred to the DIU; and it is correct that no other person belonging to either of the groups has been arrested till date. He submits that the rest is a matter of record, as narrated in the status report.
13. Opposing the grant of bail, learned counsel appearing for the complainants on the other hand submits, that more than 20 persons belonging to the opposing group (petitioner's side) entered into a physical altercation with the complainants and beat them up. Counsel submits, that while it is true that 11 members of the complainant group



had gone-over to the petitioner's residence, they had done so with the intention of resolving certain disputes; and the complainants were not the party who instigated the fight.

14. The status report however narrates that in his statement recorded by the I.O. one of the associates of the complainant - Afjal *alias* Afjali - has said it was Vikas Pahwa (one of the complainants) who had instigated the fight and pushed one of the co-accused Rajat Arora (of the petitioner's group) when the quarrel took place.
15. Evidently, the matter arises from a dispute and a physical fight that had ensued between two opposing groups comprising several members on each side, all of whom appear to have indulged in violence. The record also shows that of all these persons – numbering *at least 15* as per the names appearing on the record – *only one solitary person* has been arrested, namely the petitioner.
16. The nominal roll shows that the petitioner has been in judicial custody for more than 50 days as of date; that his jail conduct has been 'satisfactory'; and that he has no other criminal involvements.
17. Upon a conspectus of the facts and circumstances of the case, the court is persuaded to admit the petitioner – **Harsh Arora s/o Bharat Bhushan** – to *regular bail* pending investigation and trial, subject to the following condition :
 - 17.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned Trial Court;



- 17.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 17.3. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial;
- 17.4. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
18. Furthermore, based on the record, the I.O. is directed to take appropriate action on complaint dated 26.07.2024 stated to have been addressed to the S.H.O. P.S.: Mukherjee Nagar by the petitioner's uncle.
19. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
20. A copy of this order be sent to the concerned Jail Superintendent *forthwith* for information and compliance.
21. The petition stands disposed-of.
22. Pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 19, 2024

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