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

+ CRL.M.C. 823/2024

ABC

..... Petitioner

Through: Mr. Priyankar Tiwari and Mr. Sahaj
Karan Singh, Advocates.

versus

STATE OF GNCTD & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Mamta, PS: Dwarka South.

+ CRL.M.C. 824/2024

ABC

..... Petitioner

Through: Mr. Priyankar Tiwari and Mr. Sahaj
Karan Singh, Advocates.

versus

STATE OF GNCTD & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Mamta, PS: Dwarka South.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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02.02.2024

CRL.M.A. 3312/2024 & 3313/2024 in CRL.M.C. 823/2024

CRL.M.A. 3318/2024 & 3319/2024 in CRL.M.C. 824/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.A. 3314/2024 in CRL.M.C. 823/2024

CRL.M.A. 3320/2024 in CRL.M.C. 824/2024

For the reasons stated in the applications, the delay of 05 days in re-filing the petitions is condoned.

Applications stand disposed of.



CRL.M.C. 823/2024 & 824/2024

1. Separate petitions under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioner / complainant for cancellation of order dated 22.11.2023 passed by learned ASJ, South West District, Dwarka Courts, Delhi, whereby the respondent No. 2 Alam Singh Bisht in CRL. M.C. 823/2024 and Sarita Bisht in CRL. M.C. 824/2024 were granted anticipatory bail.
2. Learned APP for the State appears on advance notice and accepts notice.
3. Learned counsel for the petitioner submits that FIR No. 0491/2023 under Sections 323/342/509/506/354/34 IPC was registered at PS: Dwarka South, on the complaint of petitioner and Section 308 was subsequently invoked. It is further submitted that no efforts were made by the prosecution for recovery of the bat, which was used in the assault and as such, the anticipatory bail granted to respective respondents be cancelled.
4. A bare perusal of impugned order dated 22.11.2023 reflects that cross FIR No. 494/2023 under Sections 323/342/3534A/354B/506/34 IPC also stands registered at behest of respondents against the complainant in present FIR with reference to the same incident. Learned Trial Court observed that allegations and counter-allegations can be proved only at the stage of trial and the incident appears to be recorded in CCTV camera.

The impugned order granting anticipatory bail to the respondents cannot be cancelled merely on the ground that bat allegedly used in the incident is yet to be recovered, though efforts were made by the Investigating Officer for recovery. Even otherwise, irrespective of the said



recovery, the matter can be appropriately considered during the course of trial based upon the testimony of the witnesses as well as video recording of alleged incident.

In the facts and circumstances, no grounds for cancellation of anticipatory bail granted vide impugned order dated 22.11.2023 are made out.

Petitions are accordingly dismissed.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 02, 2024/R