



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 3592/2024, CRL.M.A. 30032/2024, CRL.M.A.
30033/2024, CRL.M.A. 30034/2024 & CRL.M.A. 31940/2024
ZAID AHMADPetitioner

Through: Mr. Manish Kaushik, Mrs. Aradhna
Sharma and Mr. Ajit Singh Joher.

versus

STATE OF NCT OF DELHI AND ANRRespondent
Through: Mr. Satish kumar APP with SI
Ghanshyam PS Wazirabad.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
22.10.2024

%

1. The instant application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter as “BNSS”) has been filed on behalf of the applicant/petitioner seeking anticipatory bail in FIR bearing No. 0577/2024 registered at Police Station - Wazirabad, Delhi for offences punishable under Sections 115(2)/126(2)/125/3(5) of the Bharatiya Nyaya Sanhita, 2023 (“BNS” hereinafter) and under Sections 25/27/54/59 of the Arms Act, 1959.

2. Briefly stated, a heated verbal altercation took place on 29th July, 2024 between the respondent no.2 and the applicant as the vehicle driven by the respondent no.2 collided with a mini truck near the office of applicant’s father. Pursuant to the same, the aforesaid dispute escalated and the



respondent no.2 along with his sons and other companions allegedly attacked the applicant and his family members with sticks and rods, as a result of which, the elder brother of the applicant went inside their home to get a CO2 gun and fired the same in the air.

3. The learned counsel appearing on behalf of the applicant submitted that the impugned FIR was registered under Sections 115(2)/126(2)/125/3(5) of the BNS and under Sections 25/27/54/59 of the Arms Act, 1959, based on false averments made by the respondent no.2 and the present FIR is nothing but a counterblast to the original altercation between the parties.

4. It is submitted that the allegations levelled against the applicant in the FIR are baseless as no weapons were used during the incident and the gun was fired in the air, solely to defend themselves. It is further submitted that the CCTV footage and the photographs reflect that the respondent no.2 and his companions aggressively initiated the said altercation, which resulted in causing various injuries to the applicant and his family members.

5. It is submitted that after the said altercation between the parties, the police officers arrived at the spot and a proper investigation was carried out. It is further submitted that forensic as well as crime teams also arrived on the spot to further carry out the investigation.

6. Learned counsel for the applicant further submitted that the applicant herein is a law abiding citizen and an innocent person and has not committed any offence as alleged in the FIR. It is also submitted that there is no history of previous involvement of the applicant in any criminal case and he has a clean antecedent.



7. It is also submitted that the applicant is a permanent resident of Delhi and undertakes to abide by all the conditions imposed by this Court while granting the anticipatory bail and therefore, it is prayed that the applicant be granted anticipatory bail.

8. *Per contra*, learned APP for the State has vehemently opposed the prayer seeking anticipatory bail and prayed that the present anticipatory bail application be dismissed being devoid of merits.

9. Heard learned counsel for the parties and perused the material on record.

10. In the present case, the applicant herein has sought the relief of anticipatory bail by alleging that that the instant FIR is a counterblast to the altercation that took place between the parties and the gun was fired solely to defend themselves.

11. In view of the same, it is pertinent to note that the Hon'ble Supreme Court in ***Siddharam satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694**, has categorically reiterated the broad principles for grant of anticipatory bail and it was observed that the personal liberty of an accused is of the utmost value and it should not be permitted to be jeopardized by false and frivolous accusations.

12. Furthermore, the aforesaid principle was relied upon by a Coordinate Bench of this Court in ***Ameet Khandelwal v. State (NCT of Delhi)*, (2021) 2 HCC (Del) 173**, wherein it was held that severity of allegations does not in itself disentitle an applicant for the grant of a pre-arrest bail and a totality of circumstances are to be considered before deciding an application for anticipatory bail. Therefore, it was concluded that unless the custodial



interrogation of the applicant is imminent for the purpose of trial, the anticipatory bail should not be denied.

13. Applying the aforesaid principle to the present case, this Court is of the considered view that the instant FIR is arising out of the altercation that took place between the parties and the applicant as well as his family also sustained injuries during the alleged incident, and the same is evident from the MLC which is appended as Annexure A-8 to the instant application. It is also noted that the applicant has no criminal antecedents and the weapon that was used while committing the offence has already been handed over to the investigating officer.

14. Therefore, keeping in view the contentions and the arguments advanced by the learned counsel for the parties as well as the settled position of law in the above referred judgments, this Court is inclined to grant the protection to the applicant by allowing the instant application seeking anticipatory bail.

15. Accordingly, it is directed that in the event of arrest, the applicant be released on bail on his furnishing personal bond in the sum of **Rs.50,000/-** (Rupees Fifty Thousand only) with one solvent surety of like amount to the satisfaction of the Investigating Officer and subject to the satisfaction of the conditions as follows:-

- a) he shall surrender his passport, if any, to the Investigating Officer and shall under no circumstances leave India without prior permission of the Court concerned;
- b) he shall cooperate in the investigation and appear before the Investigating Officer of the case as and when



required;

- c) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- d) he shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) In case of change of residential address and/or mobile number, the same shall be intimated to the Investigating Officer/Court concerned by way of an affidavit.

16. It is made clear that any observations touching merits of the case are purely for the purpose of deciding the question of grant of bail by this Court and shall not be construed as an expression of final observation in any proceedings pending before any Court.

17. With the aforesaid directions, the bail application stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 22, 2024

rk/sm

[Click here to check corrigendum, if any](#)