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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 3965/2024, CRL.M.A. 32784/2024
RAHUL KUMARPetitioner
versus

STATE NCT OF DELHIRespondent

+ BAIL APPLN. 3983/2024, CRL.M.A. 32897/2024
LOKESHPetitioner
versus

STATE GOVT. OF NCT OF DELHIRespondent

+ BAIL APPLN. 3986/2024, CRL.M.A. 32919/2024
DEEPAK SHARMAPetitioner
versus

STATE GOVT. OF NCT OF DELHIRespondent

+ BAIL APPLN. 3987/2024, CRL.M.A. 32929/2024
VISHAL RAJPUTPetitioner
versus

STATERespondent

+ BAIL APPLN. 3988/2024, CRL.M.A. 32931/2024
ROHITPetitioner
versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Sunil Dalal, Sr. Adv. with Mr. Anil Sharma, Mr. Aman Bhardwaj, Mr. Rajiv Singh, Mr. Sandeep Sharma, Mr. Nikhil Beniwal, Mr. Navish Bhati, Ms. Shipra Bali, Mr. Akash Gupta, Mr. Arpit Sharma, Advs. for petitioners.



Mr.Pradeep Gahalot, APP for the State with SI
Himanshu PS Jafrabad.
Mr. Rakesh Nautiyal, Adv. for complainant.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

04.11.2024

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1. Present petitions have been filed seeking anticipatory bail in FIR No.408/2024 registered at PS Jafrabad, under Sections 110/3(5) BNS.
2. Sh. Sunil Dalal, learned senior counsel for the petitioner submits that initially an FIR No. 615/2023 was lodged on 10.12.2023 at the statement of Deepak Sharma i.e. one of the petitioner herein against the complainants in the present case. Learned senior counsel submits that in the present case, an alleged incident on 08.10.2024 took place, even as per the FIR, the complainants were actually the assailants as they had come to the locality where the petitioners are residing.
3. Learned senior counsel submits that in fact the present FIR has been lodged merely on the counter blast to the earlier FIR lodged by the present petitioners. Learned senior counsel submits that in FIR No. 615/2023, the present petitioners have suffered various injuries. It has been submitted that the petitioners are ready and willing to join the investigation.
4. Issue notice. Learned APP for the State has accepted the notice and opposed the anticipatory bail applications.
5. Learned APP for the State submits that the charge sheet in the earlier FIR No. 615/2013 has yet not been filed as FSL report is awaited. Learned APP for the State submits that the notice under Section 35 (3)



of BNSS has duly been given to the petitioner on 30.10.2024 for joining the investigation on 02.11.2024, but the petitioners failed to join the investigation. Learned APP submits that the anticipatory bail application has been dismissed by the learned Trial Court vide a reasoned order.

6. Learned senior counsel for the petitioner submits that on 02.11.2024, the petitioners could not appear before the IO as they had gone to Vaishno Devi.
7. I have considered the submissions.
8. The jurisdiction of entertaining the anticipatory bail applications is a discretionary jurisdiction which has to be exercised with circumspection only on the specific situations where there is a possibility of false implication or harassment. In the present FIR, the petitioners have duly been named by the complainant party. The mere fact that the petitioners herein and complainant in the earlier FIR in which the complainants were the accused persons will not entitle the petitioners to be given the concession of interim bail. The notice under Section 35(3) of BNSS has duly been served to the petitioner and they had failed to join the investigation.
9. It is a well-settled law that, while considering the question of grant of anticipatory bail, the Court prima facie has to look into the nature and gravity of the alleged offence and the role of the accused. The Court is also bound down and must look into, while exercising its power to grant bail, the antecedents of the applicant and also the possibility of the applicant fleeing from justice, apart from his conduct in not joining and/or in not co-operating in the investigation along with other



factors and parameters in view of the facts of each and every case.
10.I consider that petitioners are not entitled for grant of anticipatory
bail. Hence, dismissed.

DINESH KUMAR SHARMA, J

NOVEMBER 4, 2024

Pallavi/KR