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

+ **BAIL APPLN. 4160/2024 & CRL.M.A. 34245/2024**

ANAS AHMED

.....Petitioner

Through: Mr. Rizwan Ahmad, Mr. Shakeel
Ahmed, Mr. Neeleshwar Pavani,
Advocates.

versus

THE STATE OF NCT DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for
State with SI Sanjeet Kumar, Police
Station - Wazirabad.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

27.11.2024

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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. 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 for the purposes of self defence. It is further submitted 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. Moreover, the CO2 gun used has been already submitted to the Investigating Officer which shows that the applicant has fully cooperated with the investigation.

6. It is submitted that the co-accused in the present case have already been granted anticipatory bail by this Court vide order dated 22nd October, 2024 in Bail Appln. No. 3592/2024 and 3606/2024.

7. 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.

8. 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.

9. *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. It is submitted that the co-accused have already joined the investigation, however, they have failed to cooperate with the investigation.

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

11. 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 for the purpose of self defence.

12. 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.

13. 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 the totality of circumstances have to be considered before deciding an application for anticipatory bail. Therefore, unless the custodial interrogation of the applicant is imminent for the purpose of trial, the anticipatory bail should not be denied.

14. 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. 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.

15. 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, this Court is inclined to grant protection to the applicant by allowing the instant application seeking anticipatory bail.

16. 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.

17. 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 on the merits of the case.

18. With the aforesaid directions, the instant anticipatory bail application stands disposed of. Pending applications, if any, stand dismissed.

CHANDRA DHARI SINGH, J

NOVEMBER 27, 2024
NA/RYP

Click here to check corrigendum, if any