



\$~204

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4173/2024**
DHARAMBIR NAGARPetitioner

Through: Counsel (appearance not given).
versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Ms. Shubhi Gupta, APP for the State
with SI Ashish Sharma, P.S.: Shaheen
Bagh.
Mr. Vivek Bhardwaj and Mr. Adarsh
Verma, Advocates for the
complainant.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

18.11.2024

CRL.M.A. 34353/2024

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

BAIL APPLN. 4173/2024

By way of the present petition filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks anticipatory bail in case FIR No. 235/2024 dated 31.08.2024 registered under sections 110/303(2)/3(5) of the Bharatiya Nayaya Sanhita 2023 ('BNS') at P.S.: Shaheen Bagh, Delhi.

2. Learned counsel appearing for the petitioner submits, that a perusal of the FIR would show that no violent role has been ascribed to the petitioner in relation to the incident dated 31.08.2024 in relation to which the FIR has come to be registered.



3. However, a perusal of the FIR shows that the allegation against the petitioner is that he had gone to the complainant in connection with a dispute about vacating a parcel of land, which the complainant claims he was occupying as a lessee of the Delhi Metro Rail Corporation for running a nursery.
4. The FIR further narrates that in the course of the conversation between the petitioner and the complainant, there was ‘गरमा गरमी’, and that immediately thereafter several persons, including the petitioner’s son, came armed with *lathis*, hockey sticks as well as an iron implement used to cut grass; and the said persons assaulted the complainant and two other persons who were with the complainant. The FIR records that as a result of the assault committed on them, two of the victims sustained head injuries, and one of them required 20 stitches.
5. Issue notice.
6. Ms. Shubhi Gupta, learned APP appears for the State on advance copy; accepts notice; and submits, that MLC of the injured persons records that both victims had sustained head injuries, which are opined to be ‘grievous’ in their MLCs.
7. Learned APP also informs the court that since the petitioner failed to join investigation, *vide* orders dated 09.10.2024 and 11.11.2024 the learned Trial Court has issued non-bailable warrants for the petitioner’s arrest.
8. In the circumstances, learned APP submits, that the offence under section 109 BNS would be made-out and that the Investigating Officer needs the petitioner’s custodial interrogation to trace the whereabouts



of the three co-accused persons, to recover the weapons of offence as well as to uncover the real cause of the dispute.

9. Learned APP further states that the petitioner had a central role in the dispute, since he was the one who was attempting to 'negotiate' with the complainant, with the intention to getting him to vacate the land which the complainant had leased from the DMRC.
10. It is also pointed-out that the three co-accused persons *i.e.*, Ravinder Nagar (the petitioner's son), Suraj, and Ninder Bidhuri have been admitted to bail only after suffering judicial custody for certain periods of time.
11. The court has also briefly heard learned counsel appearing for the complainant, who concurs with the submissions made on behalf of the State.
12. In the circumstances of the case, and especially considering the role alleged against the petitioner in the FIR, this court is not inclined to admit the petitioner to anticipatory bail.
13. The petition is accordingly dismissed at the notice stage itself.
14. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 18, 2024

ds