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

+ **BAIL APPLN. 4384/2024**

TARUN SHARMA

.....Petitioner

Through: Mr. Omkar Sharma with Mr. Anup
Kumar Srivastva, Mr. Sunil Kr.
Jaiswal, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State
with SI Rakesh Kumar, P.S.:
Shakarpur.

Ms. Reetika Kaushik, Advocate for
the complainant with complainant in
court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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29.11.2024

CRL.M.A. 35871/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

BAIL APPLN. 4384/2024

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. 358/2024 dated 12.10.2024 registered under section 109(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') at P.S.: Shakarpur, Delhi.

2. Mr. Omkar Sharma, learned counsel appearing for the petitioner submits, that the petitioner and complainant are related to each other, and the incident which forms subject matter of the FIR arose in



connection with a money dispute that the petitioner had *with a third person*.

3. Learned counsel states that though the offence under section 109(1) of the BNS has been cited in the subject FIR, a perusal of the record would show, that as per the MLC the nature of injury sustained by the complainant has been opined to be 'simple'; and the complainant was discharged from hospital within a matter of hours after being given first-aid.
4. Most importantly, Mr. Sharma draws attention to Memorandum of Understanding dated 21.11.2024 signed between the petitioner and the complainant, to show that the parties have now resolved their disputes and the complainant has also consented to the quashing of the subject FIR, for which purpose a petition is stated to have been filed already.
5. Counsel further submits, that though *vide* order dated 19.10.2024 the learned Sessions Court had granted interim protection to the petitioner; but despite the petitioner having joined investigation, *vide* order dated 13.11.2024 the learned Sessions Court was pleased to dismiss the petitioner's anticipatory bail application.
6. Issue notice.
7. Ms. Shubhi Gupta, learned APP appears on behalf of the State on advance copy; accepts notice; and submits, that since the offence alleged is under section 109(1) BNS, namely attempt to murder, anticipatory bail ought not to be granted to the petitioner.
8. The complainant/Damodar Aggarwal is present in court. He has been identified by the Investigating Officer and is also represented by counsel.



9. The court has interacted with the complainant, who submits that though he had sustained injuries on his back, he was discharged from hospital within a few hours after being administered first-aid. He confirms that he has signed Memorandum of Understanding dated 21.11.2024 resolving his disputes with the petitioner; and that he has also consented to the quashing of the subject FIR.
10. In the circumstances obtaining in the matter, especially in view of the fact that even though the offence of section 109(1) BNS has been cited in the subject FIR, the injuries sustained by the petitioner have been opined to be 'simple'; and most importantly, in view of Memorandum of Understanding dated 21.11.2024 signed between the parties, this court is persuaded to allow the present petition.
11. It is accordingly it is directed that in the event of his arrest, the petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions :
 - 11.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member to the satisfaction of the Investigating Officer/Arresting Officer;
 - 11.2. The petitioner shall furnish to the Investigating Officer/S.H.O., P.S.: Shakarpur, Delhi a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - 11.3. If the petitioner has a passport, he shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of this court;



- 11.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
12. The petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 29, 2024

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