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

+ **BAIL APPLN. 251/2025**

ANKIT

.....Petitioner

Through: Mr. Lokesh Baimad, Mr. Karan
Kumar and Ms. Jyoti Baimad,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Wali, APP for the State
with SI Sanjay Kumar, PS Nihal
Vihar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.01.2025

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CRL.M.A. 1732/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The Bail Application under *Section 482* of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ('B.N.S.S.' *hereinafter*) read with *Section 528* of *B.N.S.S.*, has been filed on behalf of the Petitioner, Ankit for grant of Anticipatory Bail in Case FIR No. 1352/2024 under Sections 331/329(4)/351/3(5) of *Bharatiya Nyaya Sanhita, 2023* ('B.N.S.' *hereinafter*) registered at Police Station Nihal Vihar.
4. It is submitted in the Application that he is a friend of Mr. Pawan Kumar, who is the lawful owner of Property bearing No. E-3/167-A, Shiv



Ram Park, Nangloi, Delhi 110041, who has purchased this property on 09.05.2016, from his father, Sh. Harish Chand. On 10.12.2024, the Applicant, Ankit along with his Uncle, Mr. Abhimanyu @ Monu @ Molad had gone to drop of Mr. Pawan Kumar and his son, Deepanshu and daughter, Ms. Kajal, to their home. On reaching their home, Mr. Pawan Kumar and his family members invited the Applicant and his Uncle, Mr. Abhimanyu @ Monu @ Molad, for a cup of tea. While they were having the tea, some unknown persons came to their house and started abusing Mr. Pawan Kumar and his family members, whose identity was subsequently known as Vinod Kataria, who was threatening to kill Mr. Pawan Kumar and his children if he did not vacate the house to him.

5. Thereafter, Vinod Kataria and his son and 7-8 goons started beating Mr. Pawan Kumar and his brother, Mr. Subhash. In the interim, Ms. Kajal called the PCR.

6. The Applicant and Mr. Abhimanyu @ Monu @ Molad, tried to save Mr. Pawan Kumar and his brothers from the attackers but could not do much. In the process, Mr. Subhash suffered fractured of his left hand from blow of steel rod given by Vinod Kataria.

7. He was taken to Sanjay Gandhi Memorial Hospital, Mangol Puri, Delhi where he underwent surgery. The PCR in the interim arrived and saved Mr. Pawan Kumar and his family members from attackers. Thereafter, Mr. Pawan Kumar filed multiple Complaints but no action was taken.

8. On 26.12.2024, FIR No. 1352/2024 under Sections 331/329(4)/351(3)/3(5) of B.N.S. was registered at Police Station Nihal Vihar, on the complaint of Vinod Kataria.



9. The Anticipatory Bail Application was filed by the Applicant before the learned ASJ, which was dismissed *vide* Order dated 14.01.2025. The Investigating Officer has telephonically threatened to arrest the Applicant. Hence, the present Bail Application has been filed.

10. The Bail has been sought on the ground that the Applicant has no previous criminal record and the Applicant has clean antecedents and deep roots in the society. He has been falsely implicated by the Complainant. Essentially, it is a civil dispute, which has been given a colour of criminal offences. The Applicant himself had suffered injuries. There is no custodial interrogation required as no recovery has to be made. The entire chain of documents for purchase of the property, has already been produced by Mr. Pawan Kumar, though, the Investigating Officer has not taken them into consideration. He undertakes to join the investigations and co-operate with the Investigating Officer. Hence, the Anticipatory Bail has been sought.

11. **Status Report-cum-Reply** was filed on behalf of the State before the learned ASJ. Learned APP for the State, on instructions of the Investigating Officer, submits that the Applicant has joined the investigations and his custodial interrogation is not required.

12. **Submissions heard and the record perused.**

13. The basic allegation against the Applicant is that he was a participant in the fight, which took place between Vinod Kataria, Mr. Pawan Kumar and others. He himself had suffered injuries.

14. Considering the nature of the allegations and also that no custodial interrogation is essentially required for cogent reasons, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following



conditions:

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
 - (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer.
 - (iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
 - (iv) 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.
15. The Petition stands disposed of in the above terms.

NEENA BANSAL KRISHNA, J

JANUARY 21, 2025/RS