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

+ **BAIL APPLN. 783/2025**

ANIL KUMAR

.....Petitioner

Through: **Mr. Jai Singh Yadav, Advocate**

versus

STATE OF NCT DELHI

.....Respondent

Through: **Mr. Laksh Khanna, APP for State for
the State with SI Sachin, HC Amit,
PS Baba Haridas Nagar**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.04.2025

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1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 438 of the Code of Criminal Procedure, 1973²) seeks grant of anticipatory bail in FIR No. 196/2024 under Sections 323, 324, 325, 506 and 34 of the Indian Penal Code, 1860³ and Section 27 of the Arms Act, 1959⁴ registered at P.S. Baba Haridas Nagar.

2. Briefly stated, the case of the prosecution is as follows:

2.1 The FIR was registered upon the complaint of one Mr. Sunil Gahlot (the Complainant) who alleged that his uncle – Mr. Samay Chand, along with his son Anil Kumar (the Applicant) and some other individuals

¹ “BNSS”

² “Cr.P.C.”

³ “IPC”

⁴ “Arms Act”



attacked the Complainant with sticks and a rod, with the intention to kill him. He further alleged that the Applicant placed a gun on his forehead, threatening to kill him and to occupy their ancestral land.

2.2 The Complainant explained in his statement that his grandfather, Mr. Subhram, had three sons – Prem Chand (now deceased), Samay Chand, and Kishan Chand. The Complainant is the son of Kishan Chand. The ancestral land in question measures six acres, with two acres purportedly earmarked for each of the three sons. According to the Complainant, tensions had been simmering since May, 2024, when Samay Chand proposed developing the land into a garden. This suggestion sparked a series of disputes between him and Kishan Chand. On 20th May, 2024, Samay Chand allegedly initiated illegal construction on the land without any partition or agreement.

2.3 The incident in question is stated to have occurred on 30th May, 2024, at approximately 6:00 PM, when the Complainant was walking toward his farm. Samay Chand allegedly intercepted him, threatened his life. Thereafter, Samay Chand called the Applicant, who arrived within ten minutes accompanied by five other individuals, all armed with sticks and iron rods. The Complainant asserts that he was assaulted by the group after being knocked to the ground. During the assault, the Applicant pulled out a pistol and held it to the Complainant's forehead, threatening to shoot him.

2.4 The Complainant further states that a person named Ajay, who had accompanied him, alerted both his family and the police upon witnessing the events. Soon thereafter, the Complainant's father and the police arrived, prompting the accused to flee. The Complainant was taken to the hospital



where his Medico-Legal Case⁵ was recorded, revealing a grievous injury, including a fractured left hand requiring surgical intervention. Based on his statement, an FIR was registered under Sections 323, 324, 506, and 34 of IPC.

2.5 Following the medical opinion categorising the injury as grievous, Sections 325 of the IPC and 27 of the Arms Act were added to the FIR during the course of investigation.

2.6 The police attempted to secure the Applicant's cooperation during the investigation. Despite service of a notice under Section 35(3) of BNSS requiring him to join the investigation on 10th February, 2025, the Applicant did not comply. He eventually appeared on 22nd February, 2025, but failed to cooperate and allegedly misled the investigating authorities.

2.7 Another Notice dated 18th February, 2025 was served on the Applicant to join the investigation on 4th March, 2025, however the Applicant once again did not comply with the same. Since the Applicant is not co-operating with the investigation, the anticipatory bail application is strongly opposed. On an earlier occasion, the anticipatory bail application of the Applicant was dismissed by the Court of ASJ, Dwarka on 30th January, 2025.

3. Counsel for the Applicant urges the following grounds for seeking anticipatory bail:

3.1 The Applicant, who comes from a respectable family and has deep roots in society, has been falsely implicated in the present case by the Complainant – who is his blood relative.

3.2 The dispute between the parties is fundamentally civil in nature and

⁵ "MLC"



has been deliberately dressed up as a criminal case. In this regard, it must be noted that the Complainant's father has also filed a civil suit being CS SCJ 1804/2024 seeking permanent and mandatory injunction against Samay Chand, the father of the Applicant. Moreover, the Complainant's father has also moved an application under Section 156(3) of the Cr.P.C., which is pending adjudication before the Court of JMFC-09, South West District, Dwarka Courts, Delhi. Further, on 2nd December, 2024, upon observing the father of the Complainant installing electric wires on land adjoining his inherited plot, the Applicant's father (Samay Chand), lodged a complaint with the SHO, P.S. Baba Haridas Nagar.

3.3 The Applicant undertakes to join and co-operate in the ongoing investigation in the subject FIR and he is not a flight risk.

4. Mr. Khanna, APP for the State, opposes the bail application on the grounds that the Applicant has criminal antecedent. Furthermore, he argues that the offences in the present FIR are serious and the role of accused is evident from the statement of the Complainant. Moreover, as per the MLC report, the injury caused to the Complainant was classified as grievous in nature. Thus, in light of the facts of the case, custodial interrogation of the Applicant is required for the recovery of the alleged weapon used in the commission of the offence, i.e., the gun allegedly pointed at the Complainant by the Applicant.

5. The Court has considered the submissions of the parties. On 21st February, 2025, taking note of Applicant's willingness to join and cooperate in investigation, this Court had directed him to appear before the concerned Investigating Officer and render full assistance in terms of the ongoing investigation. The Applicant has duly complied with these directions having



joined the investigation and cooperated with the police authorities. There is no allegation of non-compliance or obstruction on his part. Thus, in the *prima facie* opinion of this Court, the Applicant has demonstrated *bona fide* intent to co-operate in investigation.

6. It is well settled that while considering an application for anticipatory bail, the Court must assess whether the applicant is likely to abscond, tamper with evidence, or influence witnesses. In the present case, the Applicant has roots in the community, has remained accessible, and has demonstrated his intent to cooperate with the investigation. Applying this principle to the facts at hand, this Court finds no cogent material to suggest that the custodial interrogation of the Applicant is indispensable for the investigation. Accordingly, this Court is of the *prima facie* view that the continued protection of the Applicant, at this stage, is warranted.

7. Therefore, in light of the foregoing, the present application is allowed. In the event of his arrest, the Applicant is directed to be released on bail, on furnishing a bail bond for a sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the concerned IO/SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;



8. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial, if any and also should not be taken as an expression of opinion on the merits of the case.
10. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

APRIL 3, 2025/ab