



\$~42

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

+ **BAIL APPLN. 1219/2025**

RISHABH KUMAR GOHAR

.....Petitioner

Through: Mr. Vineet Jain and Mr. Ashish Mavi,
Advocates.

versus

STATE (GNCT OF DELHI) THROUGH SHORespondent

Through: Mr. Shoaib Haider, APP for the State
with SI Gaurav Kumar, PS Rajinder
Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

%

28.03.2025

CRL.M.A. 9441/2025 (Exemption)

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

BAIL APPLN. 1219/2025

3. First Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioner, Rishabh Kumar Gohar for grant of Anticipatory Bail in FIR No. 80/2025 under Section 115(2)/126(2)/232(1)/309(6)/251(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as 'B.N.S.'*) registered at Police Station Rajinder Nagar.
4. It is submitted that the Applicant is a 26 year old young man, who is permanent resident of Delhi where he is residing peacefully with his family



members. He has clean antecedents and no involvement in the criminal activity. He is doing business with his father and is also an Income-Tax Payee having good reputation and deep roots in the society. There is no previous enmity or grudge between the Applicant and the Complainant/victim, there are no reasons for the Applicant to be involved in the alleged crime. It is submitted that in fact, the co-accused, Piyush Sharma had made a Complaint against the victim on which an FIR got registered and there is previous litigation between them. The Applicant was totally unaware of the previous enmity between the two. On the date of incident, accidentally co-accused, Piyush Sharma and the Complainant, met on the road and there was no intention or knowledge of the Applicant that such alleged incident would take place.

5. Earlier, two FIRs registered against Piyush Sharma, on the Complaints of the victim. The victim had been threatening Piyush Sharma, to withdraw the two previous FIRs. No FIR can be registered under Section 232(1) of BNS, which is the replacement of Section 195 of the Indian Penal Code, 1860. It is further submitted that the allegation of Rs.20,000/- and one Aadhar Card of victim having been lifted, is totally false and frivolous and has been made only to *prima facie* create a case under non-bailable offence. The alleged incident has been reported in an exaggerate manner wherein the allegations made are totally false and frivolous. The allegations of injuries having been received by the Complainant, is not corroborated by the MLC. The Applicant also has certain videos to show that the alleged Piyush Sharma and the Complainant set together making party with each other and were known to each other since long time. It is further submitted that the learned ASJ has not appreciated the facts in the right perspective while



dismissing the Anticipatory Bail Application of the Applicant *vide* Order dated 12.03.2025. Therefore, the present Petition has been filed seeking Anticipatory Bail.

6. Learned counsel on behalf of the Complainant, has vehemently opposed the Bail Application on the ground that the car was being driven by the Applicant and it was he, who had overtaken the car of the Complainant and forced him to stop. He was equally involved in the entire incident and has even taken the wallet containing Rs.20,000/- from the dashboard. On these serious allegations, he even after the incident, has been extending threats on the mobile phone and therefore, has been sending abusive messages to him. It is submitted that looking at the gravity of the offence and he being an equal participant with the co-accused, Piyush Sharma, the Anticipatory Bail be not granted. Learned APP for the State, submits that the custodial interrogation is required as the wallet containing Rs.20,000/- allegedly taken away by the Applicant, are required to be recovered. Furthermore, the vehicle being driven by the Applicant, is also required to be recovered. Furthermore, serious allegations are made by the Complainant that after the incident, co-accused, Piyush Sharma had even tried to run over the Complainant, by his car. Bail Application is, therefore, opposed.

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

8. Essentially, the allegations are that the co-accused, Piyush Sharma was known to the Complainant and there were multiple *inter se* litigations between them. On the day of incident, the Applicant and Piyush Sharma, were travelling in the car, which was being driven by the Applicant and they while going towards Gurudwara, met the Complainant, towards in his car. The fight ensued and it is further an allegation that the car's keys were



snatched by Piyush Sharma while the wallet containing Rs.20,000/- of the Complainant, which was lying on the dashboard, was taken away by the Applicant.

9. It is evident from the Compliant, as well as, from the rival contentions that essentially, it is an *inter se* fight, which ensued on the spur of the moment, which took place between the parties. The Applicant happens to be the friend of Piyush Sharma, the co-accused with whom the Complainant had previous enmity.

10. Looking at the nature of allegations and also that the Applicant has clean antecedents, 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.30,000/- 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 and shall co-operate during the investigations.
- (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 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.
- (v) 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.

11. The Petition stands disposed of in the above terms.
12. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

MARCH 28, 2025/RS