

(2020) 02 DEL CK 0336

In the Delhi High Court

Case No : Bail Application No. 218, 3046 Of 2020

Harvinder Singh

APPELLANT

Vs

State N.C.T Of Delhi

RESPONDENT

Date of Decision : 27-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 308, 506

Citation : (2020) 02 DEL CK 0336

Hon'ble Judges : Rajnish Bhatnagar, J

Bench : Single Bench

Advocate : J.P.Singh, Deepak Singh, Manish Singh, Rajni Gupta

Final Decision : Disposed Of

Judgement

Rajnish Bhatnagar, J

1. This is a petition filed by the petitioner under Section 439 Cr.P.C. for grant of bail in case FIR No. 320/2018 under Sections 308/506/34 IPC

registered at Police Station Bawana.

2. The brief facts of the case are that an information was received regarding a quarrel with a lady at House No. 2A, Krishna Vihar Colony, Bawana,

on 19.07.2018. After inquiry, it was revealed that a quarrel had taken place between the two parties for a disputed property measuring 1 Bigha and 1

Biswa of Khasra No. 182/9 situated at Krishna Vihar Colony, Bawana, Delhi. The complainant was shifted to M.V. Hospital, Pooth Khurd, Delhi and

his MLC was conducted and doctor opined in the MLC â??alleged history of physical assaultâ??. On 24.07.2018, complainant handed over a written

complaint to the investigating officer alleging therein that his brother, namely, Nitin Agarwal had purchased the property in question vide registered

sale deed in the year 1992 and he used to visit the property on routine basis. On 19.06.2018, he found some people carrying out excavation work using JCB on their land. The complainant was told by them that the plot belonged to one Mohan Singh and they were doing work on his instructions. The complainant intimated about the same to his uncle and on the next day he along with his family members visited the property. He found few people present on the plot and two of them introduced themselves as Mohan Singh and Surender Pehalwan and they asserted their ownership and on seeing papers they told the complainant that they were mistaken and would verify the details at their end. Complainant asked Mohan Singh and Surender Pehalwan to show their papers and a meeting was fixed. According to the complainant, on 21.06.2018, the complainant visited the plot. He found that 7-8 persons were sorting/soaking the bricks. On inquiry from the local people, it transpired that construction was planned by Mohan Singh and Surender Pehalwan, so he reported the matter to the local police. On 19.07.2018, he along with his driver visited the property to gauge any future constructions and tried to inquire about the same from 2-3 laborers from nearby locality. Around 2-2:30 P.M., according to the complainant, accused Krishan along with 3-4 accomplices came in an SUV type car and started beating the people present at site with pipes and iron rods. According to the complainant, those persons also attacked him and gave him severe blows with plastic pipe on his back, so the complainant ran away from there. It is alleged that thereafter Mohan Singh, Surender Pehalwan, Krishan along with 5-6 more persons reached the plot and they were having iron rods, knives, guns in their hands. It is alleged that Mohan Singh was carrying a pistol while Surinder Pehalwan was carrying an iron rod and a gun was tied to his trousers. It is alleged that Krishan and his accomplices started hitting the complainant with pipes and rods. He was also given fists blows and kick blows. It is alleged that Mohan Singh and Surinder dragged him out of the plot and put a tamancha on his stomach and threatened to kill him. It is further alleged that someone snatched his gold chain from his neck and Mohan Singh took out Rs.1,50,000/- from his pocket and his mobile phone was also snatched.

3. It is submitted by learned counsel for the petitioner that he has been falsely implicated in the case. It is further submitted by learned counsel for the

petitioner that the allegations against the co-accused Mohan Singh are more serious in nature than what have been made against the petitioner, rather

the petitioner has not been named in the FIR and no role has been assigned to him. It is further submitted that petitioner is in judicial custody since

02.09.2019 and three co-accused with similar or more serious allegations have been released on bail.

4. On the other hand, learned APP for the State, assisted by the complainant who is present in person, has voluntarily opposed the bail application and

has argued on the lines of the status report. It is argued that the allegations against the petitioner are grave and serious in nature. It is further submitted

that the complainant was badly beaten and had received grievous injuries on his person. It is further argued that the petitioner along with other co-

accused persons had prepared forged and fabricated documents to take possession of the plot of the complainant as accused persons are professional

land grabbers. It is also submitted that petitioner is a habitual offender and has been declared as "Bad Character" of the Police Station Bawana.

5. In rebuttal, it is submitted by learned counsel for the petitioner that the petitioner has been arrested on the basis of disclosure statement. He further

submits that petitioner is on bail in all the cases and last case registered against him was in the year 2011. It is also submitted that petitioner is no more

on surveillance role of the police of concerned Police Station Bawana.

6. I have heard learned counsel for the parties and have perused the record.

7. In the instant case three co-accused persons have already been released on bail. Accused is in judicial custody since 02.09.2019. No role as been

assigned to the petitioner in the FIR and petitioner has been arrested on the basis of disclosure statement. There are no allegations of forgery against

the petitioner in the present FIR. There are no allegations against the petitioner that he has tried to temper with evidence or threatened the witness in

any manner. Hence, no useful purpose will be served by keeping the petitioner in judicial custody. Accordingly, it is ordered that the petitioner be

released on bail on his furnishing personal bond in the sum of Rs.1,00,000/- with one surety in the like amount, subject to the satisfaction of the learned

trial court.

8. The bail application stands disposed of accordingly.

9. Nothing stated hereinabove shall tantamount to the expression of any opinion

on the merits of the case.