
(2018) 10 DEL CK 0405

In the Delhi High Court

Case No : Bail Application No. 1146, 1148 OF 2018

Maresh Chand & Anr

APPELLANT

Vs

State (GNCT Of Delhi) & Ors

RESPONDENT

Date of Decision : 30-10-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 308, 323, 341

Citation : (2018) 10 DEL CK 0405

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Pankaj Tiwari, B.L. Sharma

Final Decision : Disposed Off

Judgement

SANJEEV SACHDEVA, J

1. Petitioners seek anticipatory bail in FIR No.678/2017 under Sections 323/341/308/34 IPC, Police Station Bhajan Pura.

2. The allegations in the FIR are that the complainant along with his family were walking on the streets when the petitioners and the co-accused are

alleged to have started beating them, consequent to which, they sustained injuries. As per the medical report, nature of injuries sustained is simple.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated. He submits that the subject FIR is a cross-FIR to a

complaint lodged by the petitioners on which also an FIR No.679/2017 under Sections 323/341/308/34 IPC, Police Station Bhajan Pura has been

registered. He submits that an altercation took place on the spur of moment without any premeditation and both the parties sustained injuries.

4. Learned counsel for the petitioners further submits that the complainant in the subject FIR, who is also an accused in a complaint lodged by the

petitioners, has already been admitted to the regular bail.

5. Petitioners were granted interim protection by order dated 18.05.2018 subject to joining investigation.

6. Learned APP for the State informs that the petitioner did join investigation and investigation is nearly complete and chargesheet is in the process of being finalised for filing.

7. Without commenting on the merits of the case and keeping in view of the facts and circumstances of the case and on perusal of the record, I am of the view that the petitioner has made out a case for grant of anticipatory bail

8. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioners on bail, on petitioners furnishing a bail

bond in the sum of Rs. 10,000/- each with one surety each of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO

concerned. Petitioners shall not do anything that may prejudice either the investigation or the prosecution witnesses.

9. Petitions are disposed of in the above terms.

10. Order Dasti under signatures of the Court Master