
(2018) 05 DEL CK 0475
In the Delhi High Court
Case No : BAIL APPLN. 1128 OF 2018

MOHAN SINGH NEGI

APPELLANT

Vs

STATE OF NCT OF DELHI

RESPONDENT

Date of Decision : 31-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307

Citation : (2018) 05 DEL CK 0475

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Deepak Sahni, Gagan Kumar, Priya Sharma, Mukesh Kumar

Judgement

1. Petitioner seeks regular bail in FIR No.83/2018 under Sections 307/34 IPC, Police Station Adarsh Nagar.

2. The allegations in the FIR are that the petitioner along with one co-accused Rishi Kapoor and 2/3 boys came in a Santro Car to the house of the complainant on 19.03.2018 and pointed out to the complainant as the person to whom a lesson was to be taught. Thereafter they left the spot.

Subsequently, on 23.03.2018 2/3 boys came and attacked the complainant and his wife with a blade and inflicted grievous injuries on them.

3. The wife of the complainant and the wife of the petitioner are sisters. There are disputes between the petitioner and his wife.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated as the allegations are that the petitioner along with one

Rishi Kapoor came to the spot and pointed out to the complainant and his wife on 19.03.2018. He submits that CCTV footage would show that the co-

accused Rishi Kapoor was not even present at the spot on 19.03.2018 and even the call details record as well as cell location of the petitioner would

establish that the petitioner did not visit the spot on 19.03.2018. It is submitted that the alleged incident is of 23.03.2018 and the petitioner had left the country on 21.03.2018 and returned on 27.03.2018 whereupon he was arrested and he is in custody since 27.03.2018.

5. The sister of the injured, i.e. the wife of the petitioner, submitted that she had made complaints to the Police about threats extended by the petitioner to her.

6. Learned Additional Public Prosecutor for the State submits that the allegations of the sister of the injured are offshoot of a matrimonial dispute between her and petitioner, and Kalandras and FIR have already been registered against the petitioner.

7. Insofar as threat to the victim is concerned, a Personal Security Officer has already been assigned by the Court. He submits that there is no specific complaint received from the sister of the injured and in case there is any threat perception, appropriate protective orders and directions shall be issued by the concerned Authorities.

8. The petitioner has been in custody since 27.03.2018.

9. Keeping in view the totality of the facts and circumstances of the case and without commenting on the merits of the case, I am of the view that the petitioner has made out a case for grant of regular bail.

10. Subject to petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of the Trial Court, the petitioner be released on bail, if not required in any other case. The petitioner shall not do anything, which may prejudice either the investigation or any of the prosecution witnesses. The petitioner shall not make any endeavour to contact the complainant or her family members including the sister of the complainant.

11. Further, it is directed that petitioner shall report to the concerned SHO once in every 15 days.

12. Investigating Officer shall provide his mobile number as well as mobile number of the concerned Beat Officer at the place of the residence of the sister of the complainant, who could be contacted if there is any issue. The concerned SHOs are also directed to take appropriate steps to ensure the safety and security of the complainant, his wife & the injured and her sister.

13. Order Dasti under signatures of the Court Master.