
(2025) 05 DEL CK 0888

In the Delhi High Court

Case No : Bail Application NO. 1859 Of 2025 & Criminal Miscellaneous
Application No. 15005 Of 2025

Raj Kumar Chaudhary

APPELLANT

Vs

State Govt. Of Nct Of Delhi

RESPONDENT

Date of Decision : 15-05-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 156(3)
Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 110, 127(2), 351(3)

Citation : (2025) 05 DEL CK 0888

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Amit Chadha, Dhan Mohan, Tanisha Bhatia, Atin Chadha, Munisha Chadha, Nawal Kishore Jha

Final Decision : Dismissed

Judgement

Girish Kathpalia, J

Road rage is not mere road rage. It has wide ranging ramifications in the form of not just physical injury but the psychological dent caused on the victim. Quite often, it is seen that road rage leads to loss of human lives as well. The damage caused gets aggrandized when one of the aggressors is a lawyer while the other is a President of a political organization. Such is the case this court is faced with. The violent incident that took place in broad daylight at a public place was captured in CCTV, footage whereof has to be seen to be understood in its full perspective and magnitude.

1. The accused/applicant seeks anticipatory bail in the case FIR No.131/2025 of PS Neb Sarai for offence under Section 110/127(2)/351(3)/ 3(5) of BNS, 2023.
2. The violent incident which led to the registration of FIR against the accused/applicant and his accomplices, as narrated in the complaint lodged by the victim, a software engineer and also captured in CCTV is as follows.

2.1 On 19.02.2025, at about 03:30pm while going to Deoli Road on his two wheeler, when the victim reached the Shutter Wali Gali, the passage was found blocked by a boy with his white Maruti Ciaz car. By the time the victim on his two wheeler reached behind that white car, a black SUV came behind the victim, leading the victim immobilized from both ends. When the victim blew horn, the driver of the said white car came out and started abusing him but on being called upon not to abuse, the driver of the white car returned to his car. In the meanwhile, the driver of the black SUV came out and disclosing his name as Gajraj, President of Bajrang Wahini Dal challenged the victim that it being his area, the victim needed to be taught lesson. After driving the black SUV inside his house, Gajraj along with the accused/applicant (identified in the CCTV footage as wearing black t-shirt) came out and started abusing the victim. The accused/applicant also threatened to get the victim arrested in a false case. Thereafter, the accused/applicant and Gajraj started hitting the victim who was sitting on his two wheeler. They threw the victim on ground and started beating him with fists and kicks. The driver of the white car also came out and all three of them continued to assault the victim. Thereafter, Gajraj and the accused/applicant dragged the victim inside their house. Gajraj asked the accused/applicant to bring a lath (Bamboo stick) so that they kill him and their neighbours understand their strength. Gajraj, Bhanu and the accused/applicant confined the victim inside their home and assaulted him with fists, kicks and lath causing multiple injuries including a bleeding head injury. The accused/applicant also took the lath and tried to hit the same on head of the victim but the latter took the blow on his forearms, suffering injuries. In the meanwhile, few more persons gathered on the spot and assaulted the victim, throwing him on planters. After the victim again apologized, they left the spot, threatening to get him arrested. Subsequent thereto, the local police arrived at the spot and shifted the victim to the AIIMS Trauma Centre.

3. Against the above backdrop, learned senior counsel for accused/ applicant has addressed arguments at length, contending that it is at the most a case of mere road rage, for which the accused/applicant be not denied liberty, especially because he is a practicing advocate and is cooperating with the investigating officer. Learned senior counsel for accused/applicant submits that it is Gajraj, brother of the accused/applicant who suffered injuries caused by the victim using blade, but his complaint is not being investigated by the police. Learned senior counsel for accused/applicant also submits that none of the injuries allegedly suffered by the victim is of serious nature and rather, the injury caused on head reflected in the MLC as laceration is not possible on being hit with lath. It is also submitted that earlier the accused/applicant was granted interim bail on three occasions and he cooperated in the investigation.

4. Learned APP accepting notice assisted by the Investigating Officer SI Saurav Sharma submits that the accused/applicant must join investigation and provide the footage of the CCTV camera installed in his house and identify the other assailants. On instructions of the Investigating Officer, learned APP submits that

custodial interrogation of the accused/applicant is necessary in this case.

5. I am unable to agree with the submission of learned senior counsel that a case of road rage is a mere road rage. As mentioned above, in the present case, the victim suffered multiple injuries including a head injury which could turn fatal. Quite often, it is seen that road rage leads to much serious offences to the extent of loss of human lives. The other submission related to profession of the accused/applicant, the accused/applicant being an advocate, is all the more a reason for him to ensure upholding of law and order. One of the assailants being President of a political organization and the other being an advocate (the accused/applicant) were responsible members of the society, so must have ensured not to take law in their hands.

6. I have seen the CCTV footage in the mobile phone of the Investigating Officer as well as in the mobile phone of the learned counsel for accused/applicant. At this stage in these proceedings, it would not be appropriate to comment on the incident in detail. But suffice it to record that one has to watch those footages of CCTV to fully understand the magnitude of the broad daylight violence in the public place, committed by the accused/applicant and his brother, both powerful persons of the society.

7. So far as the injuries allegedly suffered by the victim complainant de facto, nature of the same has been opined to be grievous in the MLC. The head injury, which is a lacerated wound and according to learned senior counsel for accused/applicant not possible with lath blow, it has to be kept in mind that the injury was on parietal scalp where the skin is in direct touch with the bone. The other injuries suffered by the victim complainant de facto have been enlisted in paragraph 10 of the order dated 02.05.2025 passed by the learned Additional Sessions Judge while dismissing anticipatory bail application of the accused/applicant.

8. As mentioned above, the investigating officer has specifically expressed the need to carry out custodial interrogation of the accused/applicant in order to recover the lath and CCTV footage of his residence coupled with identification of the remaining assailants. Not all custodial interrogation involves third degree. As expressed by the Supreme Court in the case of State vs Anil Sharma, (1997) 7 SCC 187, custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail.

9. As regards the injuries allegedly suffered by brother of the accused/applicant and the complaint lodged in that regard, it is informed by learned senior counsel for accused/applicant that they have already filed application under Section 156(3) CrPC. That application is pending adjudication before the court of competent jurisdiction.

10. It is not a case of the accused/applicant seeking regular bail after arrest. The accused/applicant has come up for anticipatory bail. Of course the parameters

for grant of both kinds of bail are common and overlapping, but the message that would go across the society is not same. Granting anticipatory bail in the broad daylight violence of the present nature at a public place would send wrong signals across the society that the aggressor took law in hands and walked free just because he happens to be an advocate. All are equal in the eyes of law and none can be treated as more equal. Such relief, if granted to the accused/applicant would also malign the noble profession of advocacy.

11. Of course, it is the complete prerogative of the investigator to arrest or not to arrest an accused person. So, this order shall not be read as directions to the police to arrest the accused/applicant. This order confines itself only to the question as to whether this is a fit case to grant anticipatory bail. Nothing observed in this order shall be kept in consideration by the learned trial court at the stage of final decision of the trial.

12. Another important aspect is that one of the co-accused namely Bhanu Chaudhary also had filed an anticipatory bail application in this court, but learned counsel for that accused on being shown the MLC of the complainant de facto and the CCTV footage of the road rage, sought and was allowed permission to withdraw that anticipatory bail application. In comparison to Bhanu Chaudhary, role of the accused/applicant is more serious.

13. Considering the above circumstances, I do not find it a fit case to grant anticipatory bail to the accused/applicant. The application is dismissed.