

**Rohit @ Jayant vs.state**

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**SooperKanoon Citation :** [sooperkanoon.com/1222315](http://sooperkanoon.com/1222315)

**Court :** Delhi

**Decided On :** Mar-29-2019

**Appellant :** Rohit @ Jayant

**Respondent :** State

**Judgement :**

§~6 \* IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

29. 03.2019 BAIL APPLN. 2353/2018 & CrI. M.A. 33745/2018 ROHIT @ JAYANT STATE versus .....

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr. Ajit Nair and Mr. Avdhesh Nuhiwala, Advocates. For the Respondent: Ms. Kusum Dhalla, APP for the State with ASI Suresh Kumar Mr. Rakesh Wadhwa and Mr. Raghav Alok, Advs. for the Complainant CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks anticipatory bail in FIR No.165/2018 under Sections 3 of the Indian Penal Code, 1860 registered at Police Station Inderpuri.

2. The allegations in the FIR are that the complainant had a dispute with the petitioner and on the day of the incident, it is alleged that complainant was standing outside his factory when the petitioner BAIL APPLN.2353/2018 Page 1 of 3 along with his father, brother and other co-accused came on the spot and starting assaulting him. It is alleged that the co-accused gave a glass bottle to the petitioner who broke it and hit the complainant with the bottle.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that there is an ongoing dispute between the complainant and the family of the petitioner and petitioner has been falsely implicated in view of the said dispute.

4. Learned counsel for the petitioner submits that the petitioner is employed as a Peon with a service provider - Orient Security Solutions Pvt. Ltd. and is deputed for his duty at BHEL House, Hauz Khas. He submits that time of the incident as alleged is around 5.45 PM at Inderpuri and the petitioner was, on the date of the incident, performing his duty in BHEL House in Hauz Khas. It is alleged that the petitioner left BHEL House, Hauz Khas at about 5.45 PM.

5. Status report has been filed. Along with the status report Time In and Time Out sheet maintained by BHEL as also the CDR of the petitioner has been placed on record. The Time In and Time Out sheet shows that the petitioner left at about 5.45 PM on the day of the incident and even the tower location of the mobile that petitioner was alleged to be using is at 5.41 PM at Hauz Khas.

6. The petitioner was directed to join investigation by order dated BAIL APPLN.2353/2018 Page 2 of 3 08.10.2018. Learned Addl. PP, under instructions, confirms that petitioner joined the investigation as and when so required by the Investigating Officer. Investigation qua the role of the petitioner is complete. However, further investigation is underway.

7. Without commenting on the merits of the case and on perusal of the record, I am satisfied 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 petitioner on bail on his furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned.

... Petitioner

shall not do anything which may prejudice either the investigation, trial or the prosecution witnesses.

9. Petition is allowed in the above terms.

10. Order Dasti under signatures of the Court Master. MARCH29 2019 rs SANJEEV SACHDEVA, J BAIL APPLN.2353/2018 Page 3 of 3

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