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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2252/2024, CRL.M.A. 19121-19122/2024

PRIYAM SHARMA

.....Petitioner

Through: Mr.Suresh Chandra Sati, Mr.Satish
Chandra and Mr.Naresh Kumar,
Advts.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Raghvinder Varma, APP for the
State.
SI Ishant, PS Mukherjee Nagar
Mr.Rakesh Chahar, Ms.Shweta
Dhingra, Mr.Hazel Bhardwaj,
Mr.Satpal Singh, Mr.Harshdeep
Kocchar and Mr.Vaishali Chaudhary,
Advts. for R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.07.2024

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1. Present petition has been filed under Section 438 read with Section 482 Cr.P.C. by the petitioner seeking anticipatory bail on the ground that the allegations made in the FIR simply show that the petitioner along with some other boys had beaten the complainant with fists and blows.
2. Learned counsel submits that in fact it was a fight between two groups of students. It has further been submitted that even the FIR shows that in the morning of the same day too, there was a fight between the two



groups for which a FIR has been lodged against the complainant party. Learned for the petitioner submits that the perusal of the FIR no. 0392/2024 also indicates that the present petitioner had only beaten the injured/complainant using only fists and hand blows. Learned counsel submits that even as per the FIR, the injuries suffered are simple in nature. It has further been submitted that it is a false case and the investigation is being influenced by a senior judicial officer who happens to be the real uncle of the complainant.

3. Learned APP for the State at the outset has invited the attention of the court to para 24 of the bail application wherein the allegations have been made not only against the District Judge, who is stated to be a close relative of the complainant but also against the other two judicial officers who have handled this case. Learned APP submits that even otherwise the investigation is in progress. It has further been submitted that though as per MLC there is only one injury suffered by the complainant whereas now it has been found there were two injuries and the investigation officer is making further inquiry as to the injury and will furnish the updated status report.
4. Learned counsel for the complainant has also opposed the bail application on the ground that it is a pre-meditated fight. It has been submitted that the aggressive party had mercilessly beaten the complainant and other persons.
5. Learned counsel for the petitioner has also sought the bail on the ground that the petitioner is a bright student and he has to take his law



exams.

6. I have considered the submissions. It is quite unfortunate that the complainant as well as the petitioner party who are law students have indulged in the fight. It is a matter of great concern that the students of law are fighting in such a manner. Perusal of the FIR indicates that the incident occurred at around 11 p.m. in the night in the University area, where allegedly the aggressive party armed with hockey, lathi and iron rods assaulted the complainant and other persons. The fact that whether it was petitioner himself assaulted the complainant with hockey, lathi or iron rod or was merely a part of the group is a matter of investigation. The FIR indicates he was certainly in the group, members of which were carrying the weapons like hockey, lathi or danda. Learned counsel for the petitioner has made an attempt to make the matter trivial by saying that these are general clashes between groups of students in university area and it is a common incident.
7. This court takes such incidents very seriously and is aghast to note that the law students who will in the coming years be occupying the responsible position of the lawyers or the law officers are indulging in such altercations. Such cases may on the face of it seem to be a fight between two groups, but this court is of the view that they require in depth examination and investigation. The court also notes with extreme disappointment the act of the petitioner in naming a sitting senior judicial officer and levelling allegations against him for influencing the investigation and judicial process. Such kind of allegations without any basis scandalise the entire system of administration of criminal justice.



The petitioner would be well aware of his available remedies against anybody whosoever tries to misuse the official or judicial position.

8. However, this court is not going into that and is limiting itself in assessing the case on its merits. This court has time and again condemned the act of such free fights between the group of people. Here again, in the night around 11 p.m., the assaulters including the petitioner assaulted the complainant party with lathi, hockey and danda, I consider that granting anticipatory bail in such cases would certainly give a wrong message. As per the precedent set in the landmark judgment of *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565 and subsequently upheld in a catena of judgments of the Apex Court such as *Priya Indoria v. State of Karnataka*, (2024) 4 SCC 749 and *State of Haryana v. Dharamraj*, 2023 SCC OnLine SC 1085, the conditions to be deliberated upon whilst granting anticipatory bail are as whether there is reasonable apprehension of being arrested in a case of being falsely implicated or harassment. Prima facie I do not find any such condition to be fulfilled. This courts avoids in making any further observation so as not to cause any prejudice to either of the party. The court is also mindful of the fact that investigation in the cross case is also pending.
9. In view of the above, the present anticipatory application is dismissed.
10. It is made clear that no expression made herein shall tantamount to be an expression on the merits of the case.
11. The petitioner shall be at liberty to move an appropriate application



before the learned trial court seeking permission to appear in the exam and the same shall be decided in accordance with the law.

DINESH KUMAR SHARMA, J

JULY 9, 2024
rb/aj..