

IN THE HIGH COURT OF DELHI AT NEW DELHI

Bail Appln. No. 821/2007

Date of Reserve: 4.10.2007

Date of judgment: 08.10.2007

Archana Singh and Ors. ... Petitioners

Through: Mr. S.P.Singh, Advocate with

Mr. K.B.B.Singh, Advocate

Versus

The State ... Respondent

Through: Mr. Amit Sharma, Advocate

Mr. Jitender Chaudhary, Advocate for complainant

CORAM JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not ?
3. Whether judgment should be reported in Digest ?

ORDER:

This application under Section 438 Cr.P.C. has been made for anticipatory bail by the applicants, who are involved in a case under Section 323/341/506/34 IPC. A perusal of the FIR would show that the complainant was facing trial in FIR under Section 498A/406/34 IPC lodged by his wife.

2. A criminal complaint under Section 125 Cr.P.C. for grant of maintenance was filed by the petitioner no. 1. On the date of incident, the complainant had gone to the Court of Ms. Navita Kumari, MM in the morning where his father-in-law Amar Pal Singh pounced upon him and started giving beatings to him with fist and blows, at the same time his brother-in-law Deepak joined his father in giving beating to him. Archana Singh took out her shoes and gave beatings to the applicant. It is apparent from the complaint that tempers of the accused persons flared up in the Court premises itself and they took law in their own hands. They thought of teaching a lesson to the complainant themselves, instead of depending on the decision of the Court under Section 498A/406 IPC. The complainant was rescued by an advocate. PCR Van had taken him first to police station and then to Ram Manohar Lohia Hospital. It is stated by the complainant that he started vomiting and blood came out from his mouth in the Court premises. He alleged that a threat to his life was given to him by the accused persons.

3. It is argued by the counsel for the applicants that the complaint was false and lodged as a counter blast. The FIR was delayed FIR and no report was made to the Court concerned. However, these allegations are rebutted by the complainant, who stated that he lodged the complaint to the Court of ACMM on the very next day, who marked the same to SHO for registration of FIR and an order was made by the ACMM under Section 156(3) Cr.P.C. for registration of FIR. The police, despite order of the ACMM for registration of FIR, registered the FIR only on 25th March, 2007 and he cannot be blamed for this.

4. Assault of the accused by the complainant side within the Court premises is a serious matter. Nobody can be allowed to take law in his own hands. Such acts cannot be looked upon lightly. If they are looked upon lightly, the Court premises would become a ground for vengeance by the accused and the complainant side. Considering the highhanded manner in which the complainant was beaten, I consider that it is not a fit case for grant for anticipatory bail. The application is hereby dismissed.

October 08, 2007 SHIV NARAYAN DHINGRA J.