

ORDER ON THE REGULAR BAIL APPLICATION OF ACCUSED KAPIL NAGAR

22.06.2020  
At 2.40 pm

Present : Sh. Ravi Drall, Ld. Counsel for the applicant/accused  
Sh. Manish Rawat, Ld. Addl. PP for the State  
SI Kamal Kishore for the IO  
Sh. Ravinder Singh, Ld. Counsel for the complainant

This regular bail application u/s 439 CrPC has been heard through video conferencing on 20.06.2020.

The allegations are that one Dr. Rajender Singh committed suicide on 18.04.2020 at his residence. He left a suicide note in which he blamed one Prakash Jharwal, local MLA and his associates as responsible for his death. The applicant/accused is described as one of the associates of the said MLA. The deceased alleged in the suicide note that the Prakash Jharwal and his associates used to demand and take money from him for running of his water tankers in the Dwarka area. The son of the deceased Sh. Hemant Singh lodged the present FIR. The FIR has been registered u/s 386/306/506/34 IPC. Accused Prakash Jharwal and Kapil Nagar (applicant) were arrested on 09.05.2020. Both were taken on police remand.

During investigation, it is alleged that it was found that a water



tanker mafia was being run by Prakash Jharwal. He was allegedly being assisted by applicant/accused and other persons. Investigation is still going on.

Ld. Counsel for the applicant/accused submitted that applicant has remained in 42 days custody till date of filing the bail application. He contended that nothing substantial has come out against the applicant. He referred to the suicide note and submitted that there is interpolation in the same as some words have been added later on which is visible clearly. He pointed out that deceased himself and his associates were blacklisted by DJB from supplying water through tankers in the year 2015 subsequent to a sting operation by a news channel. Later on, the deceased again started supplying water through tankers in the name of his wife and other family members. He also informed that no payment was stopped by Delhi Jal Board in respect of water tankers which were being run by family members of the deceased. He referred to various informations received through RTI from DJB in this respect. Learned Counsel also highlighted that father of the applicant has been tested positive of Covid 19 and his wife is also showing symptoms and his family needs his support. He also informed that applicant himself had undergone treatment regarding vocal cord and needs further consultation and treatment. He also made various other submissions. Learned Counsel relied upon **Sanju @ Sanjay Singh Sengar vs. State of MP, (2002) 5 SCC 371; Sanjay Dhillon vs. State, MANU/DE/8655/2007** and few other citations. He prayed for regular bail and in the alternative for interim bail in view of his health condition and that of his family.

Learned Addl. PP for the state, duly assisted by learned counsel for the complainant, has strongly opposed the bail application submitting that investigation is still going on. He pointed out that one witness Sanjay Yadav has been influenced and there is possibility of other witnesses being also influenced.

Learned Addl. PP pointed out that there were various phone calls exchanged between accused persons themselves and between accused and deceased as well. There are some call recordings which are being examined. Voice samples will be taken and sent for expert opinion. He also informed that some whatsapp group of water tanker owners has also been found and applicant is the admin of the said group. That aspect is also under investigation. He submitted that the deceased had pledged his family's jewellery to make payment to the accused persons. He also informed that regular bail applications/anticipatory bail applications of co-accused have been dismissed by other courts. He prayed for dismissal of the bail application.

Learned counsel for the complainant also made few submissions and contended that there are other family members who can take care of father of the applicant.

SI Kamal Kishore also informed that father of the applicant is an official of Delhi Police and the department is taking full care of him.

I have considered the submissions. I have also gone through the written submissions sent by learned counsels for the applicant and complainant.

At this stage, there is no requirement of giving any opinion on the merits of the allegations. The matter is under investigation. Any opinion at this stage may prejudice any of the parties.

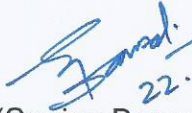
As on date, the applicant/accused has suffered 42 days of custody. The investigation is definitely going to take substantial time. The family circumstances of the applicant cannot be ignored. His father has tested positive for Covid-19 and his wife is also showing symptoms. There are minor children of applicant who will definitely need care and protection if something wrong happens with the wife. The severity of the Covid-19 pandemic cannot be underestimated.

The applicant himself had undergone treatment for vocal cord. The allegations of influencing witness were not against this applicant but were rather against co-accused Harish Jarwal.

Considered so, without expressing any opinion of the merits, this court is inclined to grant interim bail the applicant/accused. It is ordered that applicant/accused Kapil Nagar be released on interim bail for a period of 30 days on furnishing a personal bond in sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the learned MM/ACMM/CMM/Duty MM, subject to the conditions that (a) applicant shall not try to contact or influence any witness, (b) applicant shall not tamper with the evidence, (c) applicant shall join the investigation as and when called upon to do so, (d) applicant shall inform his mobile number to the Investigation Officer and shall keep the same active. The period of 30 days will commence from the date of release.

The bail application stands disposed of.

A scanned copy of this order is being sent to the office. It be uploaded as well. Original signed copy is being kept and will be tagged with concerned file once the courts reopen.

  
22.06.2020  
(Sanjay Bansal)  
Spl. Judge (PC Act) CBI-16,  
RADC, Delhi.  
22.06.2020