IN THE COURT OF SH. VIRENDER BHAT, SPECIAL JUDGE (PC ACT), CBI-15, ROUSE AVENUE DISTRICT COURTS, NEW DELHI.

FIR No. 213/2020
U/s: 386/506/306/34 IPC
PS: Neb Sarai (DIU)
Distt. : South

Anil Jarwal Vs. The State NCT of Delhi.

02.06.2020

(Through CISCO Webex Meetings App.).

Present: **Sh. Ravi Drall, Ld. Counsel for applicant Anil Jarwal.**
Sh. Manish Rawat, Ld. PP for the State.
IO/Insp. Kamal Kishore.
Sh. Ravinder Singh, Ld. Counsel for the complainant.

The hearing of the present bail application was conducted through CISCO Webex Platform facilitated by the Computer Branch officials of the Rouse Avenue District Courts, New Delhi.

The applicant Anil Jarwal is seeking anticipatory bail in the present case. It is argued by his Counsel that he is neither named in the FIR nor are any specific allegations against him in the FIR or in the suicide note stated to have been left behind by the deceased Dr. Rajender Singh. He submits that the applicant has been joining the investigation as and when required by the IO. Referring to the suicide note which is annexed with the bail application at Page No. 21 to 24, Ld. Counsel pointed out that the name of the applicant appears in the bottom portion of Page No. 24 but the same patently appears to be fabricated portion as its handwriting and the ink differs from the earlier portion of the suicide note. He also referred to the complaint dated 01.04.2020, which is annexed at Page No. 25 along with the bail application, stating that there is no allegation against the applicant in this complaint also.

Ld. Counsel further submitted that the applicant is sought to be arrested in this case only for the reason that he is the brother of main accused Prakash Jarwal, who has already been arrested on 09.05.2020. He argued that in view of these facts and circumstances of the case, the applicant is liable to be given protection of the anticipatory bail.

The bail application is vehemently opposed by the Ld. PP and the IO as well as by the Ld. Counsel for the complainant.

It was argued that the applicant is the trusted person of the main accused Prakash Jarwal and both have committed the crime involved in the present case in conspiracy with each other. It is stated that the accused Prakash Jarwal had been extorting money from the deceased through the applicant and the money was also being utilized and invested through the applicant. It is argued that the custodial interrogation of the applicant is needed to go to the root of the entire conspiracy which has culminated in the suicide of the deceased Dr. Rajender Singh. It was further submitted that the deceased, in his suicide note, had specifically taken the name of the applicant also stating that he also had been harassing him and extorting money from him. They urged this Court to reject the bail application.

I have considered the rival submissions of the parties and have gone through the entire bail application, its annexures as well as the reply filed by the State.

It is not disputed that the name of the applicant does not figure in the FIR. It is also not disputed that there is no specific act attributed to the applicant in the entire suicide note left behind by the deceased Dr. Rajender Singh. True it is that the name of the applicant appears on the last page of the suicide note which is annexed as Page No. 24 to the bail application. However, it is noteworthy that the name of the applicant is mentioned on the bottom portion of the said page which appears to have been added later on. It is the matter of investigation as to whether this portion also is in the handwriting of the deceased or not. Be that as it may, no specific criminal act is attributed to the applicant in this portion of the suicide note also. It vaguely mentions that Prakash Jarwal, Kapil Nagar and their henchmen including Anil Jarwal (Applicant herein)

have been harassing the deceased. The suicide note nowhere mentions that applicant too had been threatening the deceased or extorting money from him. It also does not show that the applicant had met him or talked to him on phone regarding his water tankers.

It was candidly stated by the investigating officer during the course of arguments that no specific incriminating evidence has been found against the applicant during the investigation so far. It was submitted by him that the applicant was summoned under Section 160 Cr. P.C only once in this case and he had duly joined investigation.

There is also no allegation that the applicant has tried to abscond or has attempted to influence the investigation since the registration of the FIR i.e. 18.04.2020 or since the arrest of his brother Prakash Jarwal in this case on 09.05.2020.

In view of the above discussions, I feel of the opinion that the applicant is entitled to be given protection of anticipatory bail. Therefore, the application is allowed. It is directed that in case of arrest, the applicant be released subject to furnishing personal bond in the sum of Rs. 1 lac with one surety of the like amount to the satisfaction of the investigating officer/arresting officer.

A copy of this order is being sent to the Sh. Vivek, PA to the Ld. District & Sessions Judge, Rouse Avenue District Courts, New Delhi as well as In-charge, Computer Branch, Rouse Avenue District Courts, New Delhi and they are directed to upload the same on the official website of Delhi District Courts at the earliest. They are also directed to send the copy of this order to all the Ld. Counsels.

The duly signed hard copy of this order shall be sent to the concerned Court as and when work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.

(VIRENDER BHAT)
SPL. JUDGE (PC ACT), CBI-15,
ROUSE AVENUE DISTRICT COURTS,
NEW DELHI/02.06.2020.