

Misc. Application No.3387/2021  
FIR No. 143/2021  
P.S. Gulabi Bagh  
U/s 356/379/411/34 IPC  
State Vs. Akash

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

At 3:00 p.m.

**This is an application received under Section 440 (2) Cr.P.C., for accused Akash for reducing surety amount.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Ranjit Malik, Ld. Counsel for applicant through VC.

The present application is taken up today in pursuance of order dated 07.08.2021 of Ld. Principal District & Sessions Judge (HQs).

Application perused.

Ld. Counsel for applicant submits that the present application has been moved for reducing the surety amount. Heard.

Let a reply be called from IO/SHO with regard to previous involvement as well financial condition of the accused on NDOH.

Re-list for arguments on 10.08.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

Bail Application No.1954/21  
FIR No. 142/2021  
P.S. Burari  
U/s 498A/377/34 IPC  
State Vs. Narender Sharma

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is an application moved for accused Narender Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Ranjan Kumar, Ld. Counsel for accused/applicant through VC.  
Sh. Chandragupt Maurya, Ld. Counsel for complainant through VC.  
IO/WSI Madhvi through VC.

Both parties have submitted that matter has amicably been settled and there are chances of resumption of matrimonial ties. Both the parties have submitted that an MOU would be signed today itself and the parties would be moving before the Hon'ble High Court of Delhi for getting the present FIR quashed. Under these circumstances, interim protection from arrest is granted till NDOH.

Re-list for further proceedings on 09.09.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

Bail Application No.1763/21  
FIR No. 142/2021  
P.S. Burari  
U/s 498A/377/34 IPC  
State Vs. Veer Singh

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is an application moved for accused Veer Singh under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Ranjan Kumar, Ld. Counsel for accused/applicant through VC.  
Sh. Chandragupt Maurya, Ld. Counsel for complainant through VC.  
IO/WSI Madhvi through VC.

Both parties have submitted that matter has amicably been settled and there are chances of resumption of matrimonial ties. Both the parties have submitted that an MOU would be signed today itself and the parties would be moving before the Hon'ble High Court of Delhi for getting the present FIR quashed. Under these circumstances, interim protection from arrest is granted till NDOH.

Re-list for further proceedings on 09.09.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

Bail Application No.1721/21  
FIR No. 142/2021  
P.S. Burari  
U/s 498A/377/34 IPC  
State Vs. Raju Koli

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is an application moved for accused Raju Koli under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Ranjan Kumar, Ld. Counsel for accused/applicant through VC.  
Sh. Chandragupt Maurya, Ld. Counsel for complainant through VC.  
IO/WSI Madhvi through VC.

Both parties have submitted that matter has amicably been settled and there are chances of resumption of matrimonial ties. Both the parties have submitted that an MOU would be signed today itself and the parties would be moving before the Hon'ble High Court of Delhi for getting the present FIR quashed. Under these circumstances, interim protection from arrest is granted till NDOH.

Re-list for further proceedings on 09.09.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

FIR No. 142/2021  
P.S. Burari  
U/s 498A/377/34 IPC  
State Vs. Rambeti

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is an application moved for accused Rambeti under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Ranjan Kumar, Ld. Counsel for accused/applicant through VC.  
Sh. Chandragupt Maurya, Ld. Counsel for complainant through VC.  
IO/WSI Madhvi through VC.

Both parties have submitted that matter has amicably been settled and there are chances of resumption of matrimonial ties. Both the parties have submitted that an MOU would be signed today itself and the parties would be moving before the Hon'ble High Court of Delhi for getting the present FIR quashed. Under these circumstances, interim protection from arrest is granted till NDOH.

Re-list for further proceedings on 09.09.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

Bail Application No.1961/21  
FIR No. 142/2021  
P.S. Burari  
U/s 498A/377/34 IPC  
State Vs. Ashish Kumar Gupta

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is an application moved for accused Raju Koli under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Ranjan Kumar, Ld. Counsel for accused/applicant through VC.  
Sh. Chandragupt Maurya, Ld. Counsel for complainant through VC.  
IO/WSI Madhvi through VC.

Both parties have submitted that matter has amicably been settled and there are chances of resumption of matrimonial ties. Both the parties have submitted that an MOU would be signed today itself and the parties would be moving before the Hon'ble High Court of Delhi for getting the present FIR quashed. Under these circumstances, interim protection from arrest is granted till NDOH.

Re-list for further proceedings on 09.09.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

Bail Application No.2070/21  
FIR No. 33/2021  
P.S. Burari  
U/s 394/34 IPC  
State Vs. Ritik Sisodia @ Gendu

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**Fresh application moved for accused Ritik Sisodia @ Gendu under Section 439 Cr.P.C., for grant of bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Mayank Choudhary, Ld. Counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on 12.08.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

Bail Application No.2072/21  
FIR No. 141/2021  
P.S. Timarpur  
U/s 457/380/411/34 IPC  
State Vs. Salman

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is fresh application moved for accused Salman under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Ms. Ritu, Ld. Counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on 12.08.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021



Bail Application No.2071/21  
FIR No. 184/2021  
P.S. Gulabi Bagh  
U/s 33/58 Delhi Excise Act  
State Vs. Aman

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is fresh application moved for accused Aman under Section 439 Cr.P.C., for grant of bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Krishan Kumar, Ld. Counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.  
List for arguments on 12.08.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

Bail Application No.1927/21  
FIR No. 399/21  
P.S. Subzi Mandi  
U/s 307/323/506/34 IPC  
State Vs. Anil Kumar

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

**This is application moved for accused Anil Kumar under Section 439 Cr.P.C., for grant of bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Abhishek Sonkar, Ld. Counsel for accused/applicant through VC.  
Sh. V.V. Arya, Ld. Counsel complainant Vinay Sharma with complainant Vinay Sharma through VC.  
IO/ASI Rakesh Kumar through VC.

Ld. Counsel for the accused has submitted that the parties have settled the matter between themselves, and has submitted that they have approached the Hon'ble High Court of Delhi for getting the present FIR quashed. Copy of Diary Number has also been filed. Ld. Counsel for the complainant Sh. V.V. Arya also concedes to this fact.

This Court has interacted with the complainant/injured

Bail Application No.1927/21  
FIR No. 399/21  
P.S. Subzi Mandi  
U/s 307/323/506/34 IPC  
State Vs. Anil Kumar

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Vinay Sharma, who has submitted that he has compromised the matter with the accused. He has also submitted that a settlement/compromise agreement dated 04.08.2021 has been executed between the complainant and the accused.

Since the complainant/injured has no objection, if bail application of accused herein is allowed, this Court is of the considered view that no purpose would be served in keeping the accused in custody any longer. Accordingly, the accused Anil Kumar is admitted on bail on furnishing bail bond and surety bond of Rs.10,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
- ii. He shall not hamper the trial or investigation in any manner.

Bail Application No.1927/21  
FIR No. 399/21  
P.S. Subzi Mandi  
U/s 307/323/506/34 IPC  
State Vs. Anil Kumar

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- iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
- iv. He shall join the investigation/attend trial without default.

Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.

Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/07.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1920/21

FIR No. 136/21

U/s 392/394/34 IPC

P.S. Roop Nagar

State Vs. Sonu @ Suraj

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Sonu @ Suraj for grant of regular bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Zia Afroz, Ld. Counsel for applicant through VC.

IO/ASI Om Prakash present through VC.

Addl. DCP North District Ms. Anita Roy present through VC.

1. In compliance of order dated 05.08.2021 passed by this Court, the concerned Jail Superintendent, Tihar has filed the 'Nominal Roll' of the accused herein.
2. There was divergence in the stance adopted by the Investigating Agencies and the Ld. Counsel for the accused, qua status of bail in cases pending against the accused. This led to passing of order dated 05.08.2021 whereby report was called from the Jail Superintendent, Tihar. The objective, as delineated in para-5 of the order dated 05.08.2021, was clear viz to ascertain **the exact status of all cases**

pending qua the accused.

3. However, the report furnished by the Jail Superintendent is conspicuously silent qua the status of other cases pertaining to the accused. In fact, at Serial No. 12 of the Nominal Roll, details of pending cases have been mentioned as 'NIL'.
4. Instead of providing clarity, the report of the Superintendent has added to the confusion. Investigating Authorities highlighted the complicity of the accused in 33 cases. Investigation Authorities further, submitted that the accused is in Judicial Custody in 14 cases. However, according to Jail Authorities, there are no other pending cases qua the accused barring the present one.
5. It is imperative that this anomaly be rectified expeditiously. The present bail application has been pending adjudication for a considerable period of time owing to non-furnishing of essential data qua cases pending against the accused. This situation is not only unacceptable, but militates against the sacrosanct principle of liberty of an individual.
6. **Accordingly, copy of this order be sent to DG (Prisons) Tihar, to file complete report qua the accused, especially in terms of para-5 of order dated 05.08.2021 passed by this Court.** Compliance report be filed on the NDOH. A competent officer may also be deputed through VC to assist the Court on the NDOH.
7. During the course of proceedings today, it was submitted by Ms. Anita Roy, Addl. DCP North District that she would also file a detailed reply to the bail application of the accused, after coordinating from Jail Authorities, Courts/Website of Courts concerned as well as other sources viz CCTNS, ICJS, CCIS, Dossier, SCRB and Police Station

Record, and after verifying the medical grounds put forth by the accused. **Reply be filed on the NDOH.** It was also submitted that to obviate any such instances in the future, a Circular / Advisory has been issued by the DCP. **Copy of the same be also filed on the NDOH.**

8. Ld. Counsel for the accused also undertakes to place on record copies of order passed by different Courts, in order to substantiate his claim that the accused is on bail in all cases barring this one.
9. Alongwith copy of this order, the following be also sent to DG (Prisons), Tihar & to DCP, North District:-
  - i. Copy of order dated 05.08.2021
  - ii. Copy of order dated 03.08.2021
  - iii. Report of Addl. DCP North District dated 04.08.2021, containing previous involvements of the accused.
  - iv. Report of Jail Superintendent dated 06.08.2021.
10. Put up for filing of compliance reports and consideration of the bail application on 10.08.2021.
11. Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/07.08.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

FIR No. 643/2020  
U/s 323/447/354/354A/354B/379/506/509/34 IPC  
P.S. Wazirabad  
State Vs. Gyanender Singh

07.08.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Gyanender Singh for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Gurmeet Singh Hans, Ld. Counsel for applicant through VC.  
IO/SI Ranjana present through VC.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that anticipatory bail is being sought primarily on the grounds of parity. It has been submitted



that vide order dated 06.04.2021 co-accused Master 'H', who is CCL (Child in Conflict With Law) and co-accused Sunil Kumar have been granted anticipatory bail by the Hon'ble High Court of Delhi in bail application no. 286/21. It was submitted by Ld. Counsel for applicant that the applicant / accused herein was not seen in impugned video / CCTV footage. Thus, it was contended that applicant/accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted by the IO that the main accused Rajiv adopts the similar modus operandi of land grabbing by placing an empty container on the land and is thus a habitual offender.

4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged that on 05/12/2020, ten PCR calls were received at PS Wazirabad regarding property dispute. Out of them one DD no. 19-A dated 05/12/2020, regarding tearing of clothes was entrusted to PSI Sawai Singh for further necessary action. He got medical examination of the prosecutrix done from Aruna Asaf Ali Hospital. Thereafter, the statement of the prosecutrix was recorded wherein the prosecutrix inter-alia alleged that she had purchased a plot of 162 Yards in Gali No. 9, Milan Vihar in 2019 and thereafter she started construction in 2019, but some persons namely Rajeev S/o Brahm Singh, Vijender S/o Kanwar Singh and Chintu S/o Ajab Singh

came to her plot and stopped the work by claiming that the property belonged to them. After that on 30/11/2020, she again started work on her plot but in the night, Rajiv with the help of his associates illegally trespassed on her plot and consequently an FIR was got registered by her at PS Wazirabad vide FIR No. 638/2020, U/s 447/379/506/34 IPC. Further on 05/12/2020, when she came to her plot at Milan Vihar, she found that Rajiv, Vijender, Sunil, Gyanender were demolishing the construction work i.e. walls and pillars etc. Jatin, Hitin @ Kunnu (the present petitioner) along with some other persons came on the spot to help accused Rajeev and his associates. When the prosecutrix tried to stop them, they abused her and touched her private parts and breast and physically assaulted her and also tried to disrobe her by tearing her clothes and all of them threatened her. When she shouted for help all of them fled from spot and also took away the construction tools (Kassi and Tasla) belonging to the complainant with them but left behind their scooty. Thus, the present FIR came to be registered.

5. A perusal of the record reveals that prima facie the allegations of sexual assault and disrobing are not made out as the prosecutrix was purportedly seen tearing her clothes herself. In this context, it would be apposite to peruse the following extracts of observations of Hon'ble High Court in bail application no. 286/21:-

*“9. This Court has gone through that video recording which shows that there was some verbal altercation, however, thereafter the prosecutrix is seen tearing her clothes herself.*

*10. Considering the facts stated as also the video recording*

*on the mobile phone produced by the petitioners, this Court deems it fit to grant anticipatory bail to the petitioners.”*

6. Further, it has been submitted that applicant / accused has approached the Hon'ble High Court for quashing of the present FIR, and the NDOH thereat is 07.12.2021. A perusal of the record also reveals that applicant / accused has been granted interim protection since 07.01.2021. The said interim protection has been continued till date. As per the report of the IO, applicant has joined the investigation.

7. Regarding the issue of cooperation with the investigating agencies, it would also be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

*“The principles for grant of anticipatory bail can be summarised as follows:-*

*(i).....*

*(ii).....*

*(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. **In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction***

*stage or post-conviction stage.....”*

8. Accordingly, keeping in mind the facts and circumstances of this case and the fact that the applicant is cooperating with the investigation, this Court deems it fit to grant anticipatory bail to the applicant Gyanender Singh on the following conditions:-

- i. In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- ii. The applicant is directed not to leave the country without prior permission of the Court.
- iii. The applicant shall join investigation as and when called for.
- iv. The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- v. The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
- vi. The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.

9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail

application stands disposed off.

10. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/07.08.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2057/21  
FIR No. 198/21  
U/s 506/420/34 IPC  
P.S. Wazirabad  
State Vs. Harbinder

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Harbinder for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Vijay Dutt Gahtori, Ld. Counsel for applicant through VC.  
Sh. A.K. Jain, Ld. Counsel for complainant through VC.  
IO/ASI Neeraj Saini is present through VC.  
Report of IO received.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant /accused submitted that the present case pertains to a civil dispute between the parties, which has been given a criminal hue. Ld. Counsel contended that there was a mere breach of promise or breach of contract and in terms of judgment titled *Satishchandra Ratanlal Shah Vs. State of Gujarat & Anr., CA No. 9 of 2019 decided by Hon'ble Supreme Court of India on 03.01.2019*, criminal liability ought not to be fastened upon the applicant. Ld. Counsel further contended that even if the contents of the FIR would be assumed to be true, at the most a case of deficiency of services can be made out.
3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for complainant vehemently opposed the anticipatory bail application as per law. It was submitted that applicant alongwith his son have cheated the complainant of a substantial sum of Rs. 35 lakhs. It was submitted that co-accused Vikram Singh disclosed that around Rs. 21 lakhs was received by the applicant herein. It was vehemently contended that the applicant did not possess the requisite Emigration Registration Number for obtaining PR Visa for Canada, and thus being intention to deceive was present from the very inception.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged by the complainant that Vikram Singh S/o Harbinder Singh & Harbinder Singh S/o Succha

Singh R/o A-668, 2nd floor, Shastri Nagar, Delhi run a placement & VISA agency. The complainant came in contact with the alleged Vikram Singh and he induced the complainant for obtaining of PR VISA for Canada. Due to which, the complainant paid amount Rs. 35,000,00/- to the alleged Vikram Singh in 2019 for obtaining PR VISA for Canada. The Complainant transferred Rs. 3,00,000/- on 24/06/2019, Rs. 5,00,000/- on 19/07/2019 & Rs. 6,00,000/- on 22/07/2019 from his bank account to the bank account of Vikram Singh and also gave amount of Rs. 21,000,00/ in cash to alleged's father Harbinder Singh on various dates. However, the alleged persons have neither provided PR VISA to the complainant nor returned the above amount so far. When the complainant demanded his money back they threatened him. Accused Vikram Singh has executed an undertaking letter to the complainant mentioning therein that he would return the money to the complainant in case he fail to get PR Visa issued. Subsequently the case was registered and investigation was taken up.

5. At this juncture, it would be apposite to peruse the judgment titled ***Sunil Dahiya Vs. State (Govt. of NCT of Delhi), Bail Application No. 1212/2016 dated 18.10.2016*** wherein Hon'ble High Court of Delhi has held as thus:-

*“49. The applicant accused appears to be a person with deep pockets. If he could manipulate and dupe more than 1000 investors to invest in his projects, he may as well be able to influence these investors, other witnesses and the*



evidence to save his own skin. The Applicant herein has been accused of economic offences involving cheating and misappropriation of huge amounts of public funds, and such offences - as observed by the Apex Court, have to be viewed seriously. In *Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation*, (2013) 7 SCC 439, the Court in Para 34 observed:

**"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail.** The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

50. Further, in *State of Gujarat vs. Mohanlal Jitmalji Porwal and Anr.*, (1987) 2 SCC 364, the Court in Para 5 observed:

**"5. The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book.** A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.."

6. Further, the above judgment, which ordains Courts to be circumspect while adjudicating bail applications in cases pertaining to offences against property and offences related to documents, also observed as thus:-

*“53. The Supreme Court, in [Neeru Yadav v. State of U.P.](#), (2014) 16 SCC 508 - which was also a case of regular bail under [Section 439](#), observed as follows:*

*"16. xxx We are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. The society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. **A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity***

*in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law".*

7. A perusal of the record reveals that there are bank transactions signifying transfer of money from the bank account of complainant to the bank account of the co-accused, who is the son of the applicant herein. There are allegations of transfer of further amount of Rs. 21 lakhs in cash by the complainant to the applicant. A perusal of copy of the complaint u/s 138 N.I. Act, attached with the bail application would reveal that, as per para-4 thereof, that the complainant was allured by the applicant and his son for getting PR Visa of Canada for Rs. 35 lakhs. Prima facie there seems to be no dispute that a transaction was entered into between the parties.
8. During the course of arguments, Ld. Addl. PP for the State had contended that the applicant did not have Emigration Registration Number whereby they could procure a PR Visa. This contention was not controverted by Ld. Counsel for applicant. Further, during the course of arguments, IO had submitted that applicant has not been joining investigation, rather when IO went to the house of applicant, he misbehaved with the police officials.

9. Since the issue of non-joining in investigation was raised by the IO during the course of arguments, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

*“The principles for grant of anticipatory bail can be summarised as follows:-*

*(i).....*

*(ii).....*

*(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. **In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided.** A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”*

10. Under these circumstances, taking into the account the gravity of the offence, factum of the applicant not joining or cooperating with the investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

11. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
12. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/07.08.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

FIR No. 643/2020  
U/s 323/447/354/354A/354B/379/506/509/34 IPC  
P.S. Wazirabad  
State Vs. Jitin

07.08.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Jitin for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Gurmeet Singh Hans, Ld. Counsel for applicant through VC.  
IO/SI Ranjana present through VC.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that anticipatory bail is being sought primarily on the grounds of parity. It has been submitted that vide order dated 06.04.2021 co-accused Master 'H', who is CCL

(Child in Conflict With Law) and co-accused Sunil Kumar have been granted anticipatory bail by the Hon'ble High Court of Delhi in bail application no. 286/21. It was submitted by Ld. Counsel for applicant that the applicant / accused herein was not seen in impugned video / CCTV footage. Thus, it was contended that applicant/accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted by the IO that the main accused Rajiv adopts the similar modus operandi of land grabbing by placing an empty container on the land and is thus a habitual offender.

4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged that on 05/12/2020, ten PCR calls were received at PS Wazirabad regarding property dispute. Out of them one DD no. 19-A dated 05/12/2020, regarding tearing of clothes was entrusted to PSI Sawai Singh for further necessary action. He got medical examination of the prosecutrix done from Aruna Asaf Ali Hospital. Thereafter, the statement of the prosecutrix was recorded wherein the prosecutrix inter-alia alleged that she had purchased a plot of 162 Yards in Gali No. 9, Milan Vihar in 2019 and thereafter she started construction in 2019, but some persons namely Rajeev S/o Brahm Singh, Vijender S/o Kanwar Singh and Chintu S/o Ajab Singh came to her plot and stopped the work by claiming that the property belonged to them. After that on 30/11/2020, she again started work on her plot but in the night, Rajiv with the help of his

associates illegally trespassed on her plot and consequently an FIR was got registered by her at PS Wazirabad vide FIR No. 638/2020, U/s 447/379/506/34 IPC. Further on 05/12/2020, when she came to her plot at Milan Vihar, she found that Rajiv, Vijender, Sunil, Gyanender were demolishing the construction work i.e. walls and pillars etc. Jatin, Hitin @ Kunnu (the present petitioner) along with some other persons came on the spot to help accused Rajeev and his associates. When the prosecutrix tried to stop them, they abused her and touched her private parts and breast and physically assaulted her and also tried to disrobe her by tearing her clothes and all of them threatened her. When she shouted for help all of them fled from spot and also took away the construction tools (Kassi and Tasla) belonging to the complainant with them but left behind their scooty. Thus, the present FIR came to be registered.

5. A perusal of the record reveals that prima facie the allegations of sexual assault and disrobing are not made out as the prosecutrix was purportedly seen tearing her clothes herself. In this context, it would be apposite to peruse the following extracts of observations of Hon'ble High Court in bail application no. 286/21:-

*“9. This Court has gone through that video recording which shows that there was some verbal altercation, however, thereafter the prosecutrix is seen tearing her clothes herself.*

*10. Considering the facts stated as also the video recording on the mobile phone produced by the petitioners, this Court deems it fit to grant anticipatory bail to the petitioners.”*

6. Further, it has been submitted that applicant / accused has approached the Hon'ble High Court for quashing of the present FIR, and



the NDOH thereat is 07.12.2021. A perusal of the record also reveals that applicant / accused has been granted interim protection since 07.01.2021. The said interim protection has been continued till date. As per the report of the IO, applicant has joined the investigation.

7. Regarding the issue of cooperation with the investigating agencies, it would also be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

*“The principles for grant of anticipatory bail can be summarised as follows:-*

*(i).....*

*(ii).....*

*(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”*

8. Accordingly, keeping in mind the facts and circumstances of this case and the fact that the applicant is cooperating with the investigation, this Court deems it fit to grant anticipatory bail to the applicant Jitin on the following conditions:-

- i. In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
  - ii. The applicant is directed not to leave the country without prior permission of the Court.
  - iii. The applicant shall join investigation as and when called for.
  - iv. The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
  - v. The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
  - vi. The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
10. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/07.08.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2036/21  
FIR No. 357/21  
U/s 392/34 IPC  
P.S. Wazirabad  
State Vs. Kunal

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Kunal for grant of regular bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. M.P.S. Kasana, Ld. Counsel for applicant through VC.  
IO/ASI Sukhpal Singh is present through VC.  
Report of IO received.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that he has moved this second bail application as there has been change in

circumstances, entitling the accused to grant of bail. He further submitted that the first bail application of applicant was dismissed by this Court on 22.07.2021 and much water has flown under the bridge since then. He submitted that charge-sheet has been filed in the present matter and co-accused Sandeep Tanwar has already been discharged due to his non-identification in the TIP. He further submitted that nothing has been recovered from the possession of the applicant. He further submitted that applicant has clean antecedents. Thus, according to Ld. Counsel, accused ought to be released on bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO and Inspector Investigation vehemently opposed the bail application as per law. It was submitted that there is no change in the circumstances, and that there could be many reasons behind non-identification of the co-accused by the complainant.
4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated again: It was alleged by the complainant on 31.05.2021 at 16:40 hours in Jagatpur Village near Kartar Vatika, the accused and his associates committed robbery of Rs. 40,190/- belonging to the complainant Satish Chander Sharma, after threatening him with dire consequences. The complainant, at the time of commission of the offence was sitting in his vehicle no. DL1L K 1580, and was counting his cash, when the offence was

committed. Thereafter, upon the complaint of the complainant, the present FIR came to be registered.

5. There are a catena of judgments which lay down, in unequivocal terms, that bail is the rule and jail is the exception. The leitmotif discernible from a perusal of such judgments lead to an inference that the primary objective of bail is *inter alia* to secure presence of the applicant at the time of trial. Liberty of an individual is to be zealously guarded, and for this purpose Courts act as sentinels on the *qui vive*, ensuring undue incarceration is prevented. In this case too, this Court is of the perception that the continued incarceration of the applicant may not be in the interests of justice. The reasons are expounded in the subsequent paragraph.
6. A perusal of the record reveals that at the time of filing of the first bail application of the accused, the investigation was underway. Now, the chargesheet has been filed. Admittedly, no recoveries are to be effected from the accused herein. It was also brought to the fore that TIP proceedings failed as co-accused could not be identified by the complainant. This Court therefore concurs with the submissions of Ld. Counsel for the accused that there has been substantial changes in circumstances, entitling the accused to be enlarged on bail.
7. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the applicant Kunal in custody any longer. Accordingly, the applicant Kunal is admitted

on bail on furnishing bail bond and surety bond of Rs 20,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
  - ii. He shall not hamper the trial or investigation in any manner.
  - iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
  - iv. He shall join the investigation/attend trial without default.
8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
9. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/07.08.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 840  
FIR No. 643/2020  
U/s 323/447/354/354A/354B/379/506/509/34 IPC  
P.S. Wazirabad  
State Vs. Rajiv Kumar

07.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Rajiv Kumar for grant of anticipatory bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Gurmeet Singh Hans, Ld. Counsel for applicant through VC.  
IO/SI Ranjana present through VC.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that anticipatory bail is being sought primarily on the grounds of parity. It has been

submitted that vide order dated 06.04.2021 co-accused, Master 'H' who is CCL (Child in Conflict With Law) and co-accused Sunil Kumar have been granted anticipatory bail by the Hon'ble High Court of Delhi in bail application no. 286/21. It was submitted by Ld. Counsel for applicant that the applicant / accused herein was not seen in impugned video / CCTV footage. Thus, it was contended that applicant/accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted by the IO that the main accused Rajiv adopts the similar modus operandi of land grabbing by placing an empty container on the land and is thus a habitual offender.
4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged that on 05/12/2020, ten PCR calls were received at PS Wazirabad regarding property dispute. Out of them one DD no. 19-A dated 05/12/2020, regarding tearing of clothes was entrusted to PSI Sawai Singh for further necessary action. He got medical examination of the prosecutrix done from Aruna Asaf Ali Hospital. Thereafter, the statement of the prosecutrix was recorded wherein the prosecutrix inter-alia alleged that she had purchased a plot of 162 Yards in Gali No. 9, Milan Vihar in 2019 and thereafter she started construction in 2019, but some persons namely



Rajeev S/o Brahm Singh, Vijender S/o Kanwar Singh and Chintu S/o Ajab Singh came to her plot and stopped the work by claiming that the property belonged to them. After that on 30/11/2020, she again started work on her plot but in the night, Rajiv with the help of his associates illegally trespassed on her plot and consequently an FIR was got registered by her at PS Wazirabad vide FIR No. 638/2020, U/s 447/379/506/34 IPC. Further on 05/12/2020, when she came to her plot at Milan Vihar, she found that Rajiv, Vijender, Sunil, Gyanender were demolishing the construction work i.e. walls and pillars etc. Jatin, Hitin @ Kunnu (the present petitioner) along with some other persons came on the spot to help accused Rajeev and his associates. When the prosecutrix tried to stop them, they abused her and touched her private parts and breast and physically assaulted her and also tried to disrobe her by tearing her clothes and all of them threatened her. When she shouted for help all of them fled from spot and also took away the construction tools (Kassi and Tasla) belonging to the complainant with them but left behind their scooty. Thus, the present FIR came to be registered.

5. A perusal of the record reveals that prima facie the allegations of sexual assault and disrobing are not made out as the prosecutrix was purportedly seen tearing her clothes herself. In this context, it would be apposite to peruse the following extracts of observations of Hon'ble High Court in bail application no. 286/21:-

*“9. This Court has gone through that video recording*

*which shows that there was some verbal altercation, however, thereafter the prosecutrix is seen tearing her clothes herself.*

*10. Considering the facts stated as also the video recording on the mobile phone produced by the petitioners, this Court deems it fit to grant anticipatory bail to the petitioners.”*

6. Further, it has been submitted that applicant / accused has approached the Hon'ble High Court for quashing of the present FIR, and the NDOH thereat is 07.12.2021. A perusal of the record also reveals that applicant / accused has been granted interim protection since 10.03.2021. The said interim protection has been continued till date.
7. However, during the course of arguments, the IO had submitted that applicant Rajiv Kumar had not joined the investigation and, therefore, process u/s 82 Cr.P.C. was initiated against him. During the course of arguments, it was also brought to the fore that applicant Rajiv Kumar has been implicated in the following FIR:-
  - i. FIR No. 06/13, U/s 420/468/471/120B IPC, P.S. Timarpur
  - ii. FIR No. 36/18, U/s 323/325/341/501/34 IPC, P.S. Timarpur
  - iii. FIR No. 162/18, U/s 354-B/506/34 IPC, P.S. Burari
  - iv. FIR No. 166/18, U/s 452/354/354-B/342/356/34 IPC, P.S. Timarpur
  - v. FIR No. 212/11, U/s 323/341/506 IPC, P.S. Timarpur

- vi. FIR No. 638/20, U/s 447/379/506/34 IPC, P.S. Wazirabad
- vii. FIR No. 641/20, U/s 384/34 IPC, P.S. Wazirabad
- viii. FIR No. 643/20, U/s 323/354/354-A/354-B/447/427/379/  
506/509/34 IPC, P.S. Wazirabad

8. Since the issue of non-joining in investigation was raised by the IO during the course of arguments, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

*“The principles for grant of anticipatory bail can be summarised as follows:-*

*(i).....*

*(ii).....*

*(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. **In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided.** A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”*

9. Under these circumstances, taking into the account the gravity of the offence, factum of the applicant not joining or cooperating with the investigation, the role attributed to the applicant herein, previous involvements of the applicant and the fact that applicant

has not mended his recalcitrant ways, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

10. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
11. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/07.08.2021**