



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

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Reserved on : 05.12.2023

Pronounced on : 18.12.2023

+ **BAIL APPLN. 3952/2023 & CRL.M.A.32041/2023**

SOMPAL SINGH TOMAR

..... Petitioner

Through: Mr. Satish Aggarwala, Mr. Amish Aggarwala, Mr. Kuldeep Jauhari, Mr. Mathew M. Philip, Mr. Nishant Sharma, Mr. Gaurav Pachauri, Mr. Anubhav Tyagi, Ms. Antara Mishra, Mr. Nilesh and Ms. Nandini Aggarwala, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. R. Bandhopadya, ASC for State

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. This is a petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No. 77/2023 under Sections 323/341/395/342/365/295A/506/201/34 IPC registered at Police Station Anand Vihar.

2. In brief, the facts of the case are that on 07.03.2023 at about 11:30 AM, the complainant Mohd. Nawab along with his cousin, namely, Mohd. Suheb was coming from Slaughter house Gazipur,



Delhi in his Car No. DL 2CAE-3071 and was going towards his house at New Mustafabad, Delhi. When both of them reached Vivek Niketan (Ashok Niketan) red light Anand Vihar, suddenly one scooty hit their car and the owner of the scooty started fighting with them. During the fight, the scooty driver demanded Rs. 4000/- from them for settlement. Suddenly, one PCR Van came at the spot and from said PCR Van, Ct Sandeep and ASI Sompal (Petitioner herein) came out. Ct Sandeep forcibly took Rs. 2500/- from the pocket of complainant's brother Suheb and handed over the said money to the scooty rider and thereafter, pressurized the complainant for settlement and further demanded Rs. 15,000/- for the same. After some time, Ct. Sandeep and ASI Sompal Singh called some people and later on, four persons came at the spot who were introduced as officials of the department of NGT. All the persons took the complainant and his brother to the crime spot i.e. near Railway line, Railway Colony, where they all confined both of them till 2:30 PM and also gave beatings to them, they tried to cut their hands with knife, urinated on victims face and passed derogatory remarks, "*mullo aaj tumhe jaan se maar kar naale me fenk denge aur tum gaushahi karte ho, aaj tum nahi bachoge*". They all forcibly took Rs. 25,500/- from the pocket of Mohd. Nawab. Ct. Sandeep called father of Suheb and at the same time, ASI Chander Bhan also reached the spot. ASI Chander Bhan helped those four persons in running away from the spot. When father of Suheb reached the spot, ASI Chander Bhan took the victims to a Bengali clinic in vicinity for treatment and



took Rs. 2500/- from them for their release. He also obtained the signatures of victims and father of Suheb on some blank papers. The complainant has further alleged that when the complainant wanted to file complaint against above said police officials, he was pressurized and threatened for settling the matter. As a result, the aforesaid FIR was got registered against the petitioner and investigation was taken up.

3. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case as petitioner was only the driver of PCR Van (MPV-Lava 56) on the date of the incident i.e. 07.03.2023 and has no role to play in the alleged incident. He further submitted that nothing has been recovered from the accused and there is not even an iota of evidence to show that petitioner came out of the PCR Van at the time of incident. He submitted that there are no specific allegations against the petitioner and further submitted that there are several discrepancies in the complaint dated 11.03.2023 and the statements of the victim recorded under Section 161 Cr.P.C and 164 Cr.PC. He further submitted that the investigation is complete and chargesheet has been filed. Lastly, he submitted that the petitioner is in judicial custody since 03.05.2023 and is the sole bread earner of the family.

4. On the other hand, learned ASC for the State submitted that the allegations against the petitioner are grave and serious in nature. She further submitted that petitioner being a police official has committed the present heinous offence in connivance with other police officials.



She further submitted that petitioner has actively participated in the alleged crime and his complicity is evident in not noting the name and details of the person whose scooty had hit the Santro car of the victims on 07.03.2023. She further submitted that petitioner did not report about the gathering of the mob, which could have turned violent, on the wireless system available in his PCR van or to the duty officer of P.S. Anand Vihar. She further submitted that the petitioner, being the duty officer was duty bound to take the victims to the hospital or to Anand Vihar police station but rather he took them to isolated spot and the family members of the victims were called to that isolated spot instead of P.S. Anand Vihar. She further submitted that the petitioner, in a well hatched conspiracy along with co-accused persons had participated in the crime. She further submitted that the call details of the petitioner shows that he was at the spot along with other co-accused persons to which he has no explanation. She further submitted that the victims were threatened and thus, they had also made a withdrawal letter vide DD no. 66A dated 29.03.2023 exculpating the police officials from this case.

5. In the present case, during the course of the arguments, learned Additional Standing Counsel has vehemently submitted that the victims were forced to withdraw the letter vide DD No. 66A dated 29.03.2023. Perusal of the letter shows that this letter has been written under some duress upon the victims wherein victim Mohd. Suheb has exculpated the petitioner. Therefore, in these circumstances if the petitioner is released



on bail at this stage there is strong likelihood of him threatening and influencing the victims. It is also evident from the record that petitioner being a police official has not reported the accident on his wireless system at P.S.Anand Vihar. In his presence, the victims were taken to an isolated spot from where their family members were called to that isolated spot, furthermore, it is also not the case of the petitioner that he was not present there and by no stretch of imagination it can be said that the victims were taken to an isolated spot under some official protocol. This kind of conduct is least expected from a police official who is the custodial of the life and liberty of the public at large and the present petitioner has betrayed the trust.

6. In view of the above and looking into the fact that the allegations are grave and serious in nature and that public witnesses are yet to be examined, no ground for bail is made out at this stage. Therefore, the bail application is, accordingly, dismissed.

7. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

DECEMBER 18, 2023/ib