

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 11.02.2015

BAIL APPLN.272/2015

SHAMSHER SINGH

..... Petitioner

versus

STATE OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjiv Kumar Singh, Advocate
For the Respondent : Ms. Isha Khanna, APP

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.2049/2015

The exemption is granted subject to all just exceptions.

The application is disposed of accordingly.

BAIL APPLN.272/2015

1. The present is an application under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for grant of anticipatory bail in FIR

No.544/2014, under Sections 365/388/384/34 IPC at Police Station North Rohini.

2. The applicant is stated to be ASI in Haryana Police and was last posted in Karnal. Counsel for the applicant has vehemently urged the following grounds:-

Firstly, he has submitted that the applicant was not named in the FIR registered on 09.08.2014. Secondly, he has urged that the present FIR is a counterblast to FIR No.466/2014 registered on 26.06.2014 in Police Station Karnal, which was registered on the complaint of one Isha Gupta against the complainant in the present FIR. Thirdly, it has been submitted by counsel for the applicant that one co-accused namely Rana Pratap Singh has been granted anticipatory bail by this Court on 14.01.2015. Lastly, it has been submitted on behalf of counsel for the applicant that the applicant was present at Munak Chowki in Karnal on the date of the incident as is evident by two affidavits annexed to the present application.

3. The facts giving rise to the present FIR are that on 09.06.2014 at about 1:00 PM Isha Gupta and Vikas Bansal are stated to have approached the complainant in his office at Rohini asking him to extend a loan of Rs.15-20

Lakhs. It is also stated that immediately thereafter four other persons came into the complainant's office out of whom two belonged to Sikh community. The complainant states that at gun point they took his phone, assaulted him and took him to Panipat in Scorpio vehicle bearing Haryana registration number. The complainant further alleges that the said individuals took him to Panipat Court and forced him to sign transfer documents in respect of the Toyota Fortuner Car bearing registration No.DL 7CG 6052. It is further alleged that they forcibly took his photographs in Panipat Court premises and also removed his diamond ring. The complainant was thereafter dropped at the Panipat bus stand.

4. On behalf of the prosecution, Ms. Isha Khanna, learned APP submits that the applicant was physically present at the time of the offence in Delhi with his other associates when the complainant of this case was abducted, detained and thereafter extortion was done. In this behalf, attention of this Court has been drawn to the call details record of the present applicant. *Prima facie* they clearly indicate that the present applicant was present in Delhi near the place of the incident at the time of occurrence. The prosecution has further highlighted the fact that although the applicant has been repeatedly asked to join the investigation by the Investigating Officer

but the former has not joined the investigation. Lastly, it has been urged that non-bailable warrants have been issued against the applicant.

5. I have gone through the order passed by this Court on 14.01.2015 and considered the submissions made on behalf of the applicant as well as the prosecution. In my view, the case of Rana Pratap Singh stands on a different footing and no parity can be claimed at this stage. Furthermore, the co-accused Rana Pratap Singh is not stated to be a police officer belonging to a disciplined force. Being a police officer, the applicant cannot be expected to conduct himself in such a criminal and cavalier manner contrary to the requirements of his office. Keeping in mind the facts that the applicant was physically present at the time of abduction and extortion and despite having been suspended from service has not joined the investigation of this case even once, I see no merit in the application.

6. Coming to the submissions made on behalf of counsel for the applicant, that the present FIR is a counterblast to the FIR lodged by Isha Gupta, it is observed that the complaint of the present applicant was made prior to the case lodged by Isha Gupta on 10.06.2014 and it was kept pending by the Delhi Police for inquiry and subsequently a case was registered only on 09.08.2014. Therefore, this submission on behalf of the

applicant does not hold any water. I see no reason to enlarge the applicant on pre-arrest bail. In my view custodial interrogation of the present applicant is necessary for fair and complete investigation of this case. Furthermore, recovery is yet to be effected from the applicant and TIP is also required to be conducted.

7. Consequently, the present application is devoid of merit and is dismissed accordingly.

SIDDHARTH MRIDUL, J

FEBRUARY 11, 2015

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