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

+ **W.P.(CRL) 308/2017 and CrI.M.A. No. 1613/2017**

HARSH SHARMA

..... Petitioner

Through: Mr. Prashant Sharma, Advocate.

versus

STATE & ANR

..... Respondents

Through: Mr. Avi Singh, ASC and Mr. Ananya Mohan, Advocate for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
30.01.2017

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Issue notice. Mr. Singh accepts notice on behalf of the State.

The petitioner has preferred this petition to seek a direction to the SHO/ IO, PS – Sadar Bazaar to conduct fair and proper investigation in case FIR No.322/2016 under Sections 323/ 341 IPC read with Section 34 IPC. The petitioner also seeks a direction that the IO/ SHO, PS – Sadar Bazaar shall not unnecessarily harass him or falsely implicate the petitioner.

The case of the petitioner is that he has nothing to do with the occurrence in question. He submits that the petitioner was not named in the complaint made by the complainant, who is impleaded as respondent No.2. He further submits that the complainant has also filed the affidavit in the

present petition in support of the petition, wherein he has stated that the petitioner was not involved in the occurrence. The affidavit of complainant/ Mohd. Sharif is at pages 11 & 12 of the petition.

Mr. Singh submits that apart from the complainant, two others have also received injuries. He submits that one of the other accused, who is a juvenile, in his disclosure statement has named the petitioner as one also involved in the offence. He states that the petitioner is absconding and has not joined the investigation.

In view of the aforesaid, the petition is disposed of with a direction to the IO/ SHO, PS – Sadar Bazaar to conduct proper and fair investigation. He shall also take into consideration the stand taken by the complainant/ Mohd. Sharif, who states that the petitioner is not involved in the offence.

Mohd. Sharif is also present in Court and I have interacted with him. He states that he came to know the petitioner only after the incident in question, though, at the same time, he states that the petitioner is not involved in the incident and that he has not been put in fear or coerced to make the said statement.

In view of the aforesaid circumstances, the petition is disposed of in the aforesaid terms. It is open to the petitioner to apply for anticipatory bail if he is so advised. He is also directed to join the investigation.

VIPIN SANGHI, J

JANUARY 30, 2017

B.S. Rohella