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

+ W.P.(CRL) 1185/2018

NEELESH KUMAR

..... Petitioner

Through: Mr. Vinay Kumar Sharma, Advocate
versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel,
GNCTD with Mr. Chaitanya Gosain,
Advocate with Inspector Manoj
Kumar, SI Sanjay Kumar, PS – Dabri
Ms. Komal Aggarwal, Advocate for
R-4 to 6 with SI Sanjay Singh, PS –
Civil Lines, Etawah, U.P.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

24.04.2018

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In response to the notice issued, Anupam has been produced today alongwith her father. SI Sanjay, Police Station – Civil Lines, Etawah, UP is also present. We have interacted with Anupam in chamber, firstly alone and thereafter in the presence of the petitioner. Anupam states that she does not wish to reside with the petitioner. Since that is the stand of Anupam, we cannot pass any further orders so far as the main relief sought in the petition is concerned.

There is another very serious aspect which needs consideration in this petition. We have already adverted the same in our earlier

order dated 19.04.2018. According to the petitioner, he and Anupam were picked up on 05.01.2018 from Delhi. The status report filed on record by Delhi Police dated 19.04.2018 reveals that on the same day i.e. 05.01.2018 vide DD No. 40B, a complaint was received at PS – Dabri, Delhi from Ms. Anupam wherein she had stated that she got married to the petitioner on 13.12.2017; the marriage was registered with the Marriage Registration Officer – V, Ghaziabad, UP on 04.01.2018; that she got married out of her own free will with the petitioner but her parents were not ready for the marriage; that she was submitting her marriage certificate alongwith the said information to the SHO, PS – Dabri and that in case her parents or her in-laws make any complaint, the same be treated as false. She stated that she has not taken any money and jewellery etc. from her house and that they did not wish to meet their parents and that they were living in fear of their life from them.

Learned counsel for the petitioner submits that after registering the said DD, the petitioner and Anupam were infact proceeding to his office, after telephonic conversation between them on the counsel's mobile phone number 9810248919. The petitioner was using his mobile phone bearing no. 9582581589. The petitioner who is present in court states that he continues to use the same mobile phone number till date. According to the petitioner, he and Anupam were picked up by SI Sanjay, PS – Civil Lines, Etawah, UP from near pillar no. 59, when they reach near Palam flyover. The office of the counsel, Vinay Kumar is located at Palam Village. The status report discloses that SI

Sanjay did not inform the local police station about his arrival from UP for apprehending the petitioner and Anupam, in relation to FIR No. 578/17, registered under Sections 363/366 IPC at PS – Civil Lines, Etawah, UP. SI Sanjay, who is present, on a query by the Court, as to how he could apprehend the petitioner and Anupam in Delhi, which is way beyond his jurisdiction, without the involvement and intimation to Delhi Police, states that the petitioner and Anupam were apprehended at Etawah on 05.01.2018 and produced before the concerned Magistrate at Etawah on 06.01.2018.

Thus, there is diametrically opposite versions coming before this Court with regard to the place from where, and in the manner in which, the petitioner and Anupam were apprehended on 05.01.2018.

It is essential for this Court to maintain the sanctity of the proceedings before it, to have the air cleared on this aspect. In case the petitioner is lying about the place of his arrest, he would have to face the consequences. However, in case SI Sanjay is not stating the truth, it raises even more serious issues, namely, about the manner of his apprehending the petitioner and Anupam from Delhi, that is, way beyond his jurisdiction without intimation and involvement of the local police, and about his not stating the truth before the Court and compounding his earlier misconduct.

In these circumstances, we direct the petitioner to file his affidavit in terms of his version within a week. Learned counsel for the petitioner states that after the release of the petitioner from

Etawah, he has had a long telephonic conversation with SI Sanjay which he recorded on his mobile phone and he would be producing the same as well alongwith his affidavit. He may do so.

Advance copies of the affidavit shall be furnished to counsel for the respondent Nos. 4, 5 and 6 as well as to SI Sanjay. SI Sanjay shall file his own affidavit disclosing the place and the manner in which he apprehended/ arrested the petitioner and Anupam. He shall specifically disclose whether he travelled to Delhi in January, 2018, that is, upto 6th January, 2018 and if so, for what purpose. He shall also provide authenticated copies of CDR of his mobile phone numbers disclosed by him, which are as follows:

- i) 8923873222 and
- ii) 9412575872.

We may observe that initially, he provided us with the two mobile phone numbers aforesaid. On further query by the Court, he states that he has one other mobile phone number also. The petitioner has provided one other mobile phone number (9990142817) which, according to him, was the one, used by SI Sanjay for communicating with him.

At this stage, SI Sanjay has broken down and he seeks our pardon by stating that he was under a lot of pressure by the higher ups to somehow locate and bring back the petitioner and Anupam back to Etawah. He states that he had gone to PS – Sagarpur from where one constable was provided to him. However, no entry was made in the

Daily Diary at that stage, since, there is a practice that the two entries regarding ‘*Aamdi* and *Rawangi*’ (arrival and departure) are made simultaneously, once the purpose of the visit is achieved. He submits that by the time the petitioner and Anupam were apprehended, it was already dark and he was not aware about the location of the jurisdictional police station. Consequently, he left with the petitioner and Anupam without making the said entries.

Since SI Sanjay has come out to disclose this position, though slightly belatedly, we are not inclined to proceed with this inquiry any further. We condone his conduct, in so far as, it concerns our jurisdiction.

The petition stands disposed of with the abovesaid observations.

Dasti.

VIPIN SANGHI, J

P.S.TEJI, J

APRIL 24, 2018

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