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

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Judgment delivered on: 29.05.2018

+ BAIL APPLN. 1099/2018

NARESH KUMAR

..... Petitioner

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Ms. Anushree Kapadia, Advocate.

For the Respondent : Mr. Rahul Mehra, Sr. Standing Counsel with Ms. Neelam Sharma, APP for the State.
Mr. Mehmood Pracha with Mr. R.H.A. Sikander and Mr. Prateek Gupta, Advocates for the complainant.
Inspector Mukesh Kumar, Inspector Bhushan Azad and Inspector K.G. Tyagi.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

29.05.2018

SANJEEV SACHDEVA, J. (ORAL)

BAIL APPLN. 1099/2018 & CrI.M.(Bail) 787/2018 (for interim bail)

1. The petitioner seeks regular bail in FIR No.14/2018 under Sections 387/323/454/427/354D/506/509/120B/34/365 IPC, Police

Station Special Cell (SB).

2. The petitioner is a Sub Inspector. The allegations against the petitioner are that the petitioner in connivance with the relatives of the complainant had committed an offence of house trespass, assault, abduction, threatening to kill to commit extortion in furtherance of a criminal conspiracy to coerce the complainant into giving up her rights in a property which has been gifted to her by her mother.

3. The allegations against the petitioner are that the petitioner was the Investigating Officer in an FIR against the complainant and had obtained warrants of her arrest from court. Thereafter, the petitioner in connivance with the other private individuals had broken into the house of the lawyer of the complainant, where she was awaiting the outcome of a petition filed by her in this Court. It is contended that the petitioner, despite becoming aware of the statement given by the Public Prosecutor before this Court that no coercive action would be taken against the complainant in the subject FIR, sought to forcefully execute the warrants against the complainant.

4. Learned senior standing counsel appearing for the State submits that, as per the investigation conducted, the petitioner was made aware of the statement given by the Public Prosecutor before this Court, which fact was even confirmed by him prior to seeking to execute the warrants. He submits that the petitioner despite becoming aware of the interim protection granted to the complainant, forcefully, in

contravention of the instructions given by his superior officers, sought to execute the warrants. Learned counsel further submits that an internal inquiry was conducted and the report came adverse to the petitioner and accordingly an appropriate departmental inquiry has been initiated and petitioner has already been suspended.

5. Learned senior standing counsel, under instructions from Inspector Mukesh Kumar, Special Cell, who is present in Court, submits that insofar as the role of the petitioner is concerned in the subject FIR, the investigation qua the petitioner is complete.

6. Learned counsel appearing for the complainant opposes the bail application and submits that the petitioner is not the only officer involved in the larger conspiracy with the relatives of the complainant. Learned counsel submits that he is representing the complainant before a Division Bench and is taking his remedies before the Division Bench with regard to the alleged involvement of other officers and other individuals involved in larger conspiracy against the complainant.

7. The petitioner has been in custody for nearly 50 days. The investigation qua the role of the petitioner in the subject FIR is already complete. Since the investigation already stands transferred to the Special Cell, and is being monitored by senior officers and regular reports are being submitted to the Division Bench of this court, there is no likelihood of the petitioner influencing the course of

investigation.

8. Without commenting upon the merits of the case, since the investigation qua the role of the petitioner is complete and petitioner has already been incarcerated for nearly 50 days and there is no likelihood of the petitioner influencing the course of investigation, I am of the view that the petitioner is entitled to grant of regular bail.

9. Accordingly, the petitioner is directed to be released on bail on his furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the trial court, if not required in any other case. The petitioner shall not do anything which may prejudice either the investigation or the prosecution witnesses. The petitioner shall join the investigation as and when required by the Investigating Officer.

10. The petition is, accordingly, disposed of.

11. Order Dasti under the signatures of the Court Master.

MAY 29, 2018
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SANJEEV SACHDEVA, J