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

+ **BAIL APPLN. 1839/2018**

RAM CHANDER

..... Petitioner

Represented by: Mr.Mahavir Singh, Mr.Raj Kamal,
Mr.Gaurav Sarawat and
Mr.B.K.Bhardwaj, Advocates

versus

THE STATE (NCT) OF DELHI

..... Respondent

Represented by: Ms.Rajni Gupta, APP for the State
with SI Abhishek Kumar, PS Amar
Colony

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.08.2018

1. By this application, the petitioner seeks anticipatory bail in case FIR No.266/2017 under Sections 302/397/396/412/120-B/34 IPC registered at PS Amar Colony.

2. The abovenoted FIR was registered after a PCR call was received on 11th July, 2017 informing about murder of a lady in House No.21, 2nd Floor, National Park, Lajpat Nagar IV, New Delhi. When the police reached the spot, they found Sarita lying on the box of double bed of the bedroom, her legs and hands were found tied with clothes i.e. pillow cover, shirt, pajama etc. and rope. Cello tape was wrapped around her neck and there were injury marks on the mouth of the deceased indicating scuffle. The

storeroom and rooms were found ransacked; one iron rod and screw driver was also found in the bed room and it was found that the servant of the deceased Sarita namely Roshan was missing from the house. Co-accused were arrested and in the disclosure statement, it was revealed that besides Balram @ Roshan Lal, the petitioner-Ram Chander, his two sons Shesh Narayan @ Karan and Sonu Paswan besides his nephew Arvind Paswan and Beni Prasad Yadav @ Daddan @ Yadav and Santosh Soni were also involved in the said case.

3. The main case of learned counsel for the petitioner is that since the petitioner has joined the investigation and was available to the investigating agency no non-bailable warrants could have been taken against the petitioner and the petitioner could not have been declared a proclaimed offender. In this regard, learned counsel for the petitioner relies upon his statement recorded by ASI Hari Singh of PS Amar Colony dated 5th November, 2017 which was recorded by the said police officer when he went to the village in search of Arvind Paswan, the nephew of the petitioner.

4. Learned counsel for the petitioner further submits that when in jail, the petitioner came to meet his son in the Court of learned Metropolitan Magistrate, when the Investigating Officer demanded money from him and after the petitioner failed to meet his demands, the petitioner has been implicated in this case.

5. Learned APP for the State submits that ASI Hari Singh is not the Investigating Officer of the case and he was deputed by the Investigating Officer only for the purpose of serving non-bailable warrants on Arvind Paswan, nephew of the petitioner and at that time when ASI Hari Singh

went to the village and met the petitioner he was not aware that the petitioner is also one of the accused involved in the FIR. As the mandate to ASI Hari Singh was execution of non-bailable warrants against Arvind Paswan, he confined himself to the same and came back with the report based on the statement of the petitioner that Arvind Paswan had not visited the village for quite some time and had no property in the village.

6. The present petition does not challenge the order declaring the petitioner as a proclaimed offender and only seeks anticipatory bail, thus whether there is an error or illegality in the order declaring the petitioner a proclaimed officer cannot be decided in this petition.

7. As per the status report, the petitioner has since been declared a proclaimed offender and in view of the decisions of the Supreme Court reported as 2012 (8) SCC 730 Lavesh vs. State (NCT of Delhi) and 2014 (2) SCC 171 State of M.P. vs. Pradeep Sharma present petition seeking anticipatory bail is not maintainable.

8. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 23, 2018

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