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

**Decided on: 16<sup>th</sup> August, 2018**

+ BAIL APPLN. 1910/2018 & CRL.M.A. 30057/2018

RAJ NARAYAN SHARMA

..... Petitioner

Through: Mr. Anurag Jain with Mr. M.M.  
Khan & Ms. Ayushi Sharma, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Ravi Nayak, APP for State  
with SI Arun Kumar, P.S. Bhajanpura.

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER (ORAL)**

1. The material indicating involvement of the petitioner in the incident which is subject matter of first information report (FIR) no.278/2018 of police station Bhajan Pura involving offences punishable under Sections 307, 145, 147, 148, 149, 186, 353 Indian Penal Code, 1860 (IPC) and Section 27 of the Arms Act and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 has come up during investigation. The petitioner, apprehending arrest, had earlier approached the court of Sessions by moving an application for anticipatory bail which was declined by order dated 03.08.2018. He has come up to this court with the petition at hand making similar

prayer, also invoking the inherent power under Section 482 Cr. PC. of this court.

2. The application is resisted by the respondent / State, *inter alia*, on the grounds that, in the facts and circumstances which have emerged during investigation that has been carried out thus far, there is a need for custodial interrogation of the petitioner, it having been revealed that it was he who had used a firearm and consequently the investigation also requiring the recovery of the said weapon. The petitioner's argument primarily is that he is being falsely implicated, the FIR registered on 29.05.2018 on the complaint of Mohit Nagar not having mentioned his name.

3. From the narration of the facts in the FIR, it is revealed that the incident had occurred at 11.45 PM on 28.05.2017, the trigger for scuffle having come on account of a car of some of the assailants having touched the car of the complainant who had returned with his family and friends in two vehicles from a party. It is alleged that the initial scuffle had boiled into a serious incident in which 20-25 people had gathered, using abusive language and, *inter alia*, having resorted to pelting of stones followed by use of firearms, which were indiscriminately fired, even the police vehicle having been damaged in the process. While it does appear that the name of the petitioner was not mentioned in the FIR, it has to be borne in mind that the FIR is only the initial document which sets the criminal investigative process into motion and one that cannot be expected, particularly in a case of this nature, to be a compendium of all facts.

4. The learned Additional Public Prosecutor, on instructions, submitted that the involvement of the petitioner in the incident has been brought to light during interrogation of some of the named accused and since it is he to whom the use of the firearm is attributed, it is essential that he be subjected to sustained interrogation in custody and efforts be made for recovery of the weapon.

5. Aside from the above, there is one more reason why the view taken by the court of Sessions in declining anticipatory bail must be endorsed. The petitioner has made himself unavailable. The investigative police had obtained warrants for his arrest from the court of the Metropolitan Magistrate, which could not be executed. This has resulted in the process having been initiated for he to be declared a proclaimed offender.

6. Against the above backdrop, no case is made out for the petitioner to be released on anticipatory bail. The petition and the application filed therewith are dismissed.

**R.K.GAUBA, J.**

**AUGUST 16, 2018**

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