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

+ BAIL APPLN. 1957/2018 and CrI.M.A. 30405/2018

RAKESH SHARMA

..... Petitioner

Through: Mr. Anoop Bagai, Sr. Advocate with
Ms. Ruchi Kapoor, Advocate

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Akshai Malik, APP

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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21.08.2018

The petitioner has an on-going civil dispute with the first informant of first information report (FIR) no.1149/17 of police station Samaipur Badli under Sections 420, 120 B IPC. It appears he approached this court by Regular First Appeal (no.854/17) which came up before a learned single Judge of this court on 10.10.2017. The copy of the order, which was passed by the said bench on 10.10.2017 would show notice was issued on steps to be taken for 20.02.2018, no interim order or relief having been even considered or granted. Yet, it is alleged that on the letterhead of his counsel Mr. Prakash Arya @ Om Prakash Arya, advocate practising in Tis Hazari Courts Complex, an intimation of “*status quo*” having been granted was sought to be given, *inter alia*, to the first informant, such

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intimation in writing on the said letterhead having been pasted outside the premises in question. In the FIR, allegations have been made about the petitioner having forcefully entered the property in question at about 2.30 PM on 25.10.2017 and he having pasted the said letter on the letterhead. Apparently, the intimation about *status quo* having been granted was a fabricated fact. The petitioner was arrested on 11.07.2018 and has, thereafter, been in custody. Mr. Prakash Arya @ Om Prakash Arya, advocate, who is also wanted by the investigating agency, however, has been evading appearance, this inspite of his bail application no.1552/18 having been withdrawn on 06.07.2018 with the submission that he intended to appear before the investigating agency.

The submission of the petitioner that he had nothing to do with the said false intimation about *status quo* since it was on the letterhead of Mr. Prakash Arya @ Om Prakash Arya, advocate cannot be *prima facie* accepted, not the least as a plea in defence at this stage in as much as the petitioner would have been the beneficiary of the consequences flowing therefrom and further because there are clear allegations of he being the person who had affixed the copy of the said intimation on premises of the complainant.

Having regard to the gravity of the facts and circumstances and the present stage of investigation particularly that the co-accused Mr. Prakash Arya @ Om Prakash Arya is evading appearance till date no case for release of the petitioner on bail is made out.

Dismissed.

This court, however, must also record its disapproval over the lackadaisical approach to the investigative effort thus far made by the local police. A case of such grave and serious nature involving fabrication of facts concerning proceedings relating to this court will have to be taken to the logical end with all seriousness. The concerned Dy. Commissioner of Police is called upon to personally monitor the probe.

Dasti.

R.K.GAUBA, J

AUGUST 21, 2018

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