

\$~23

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

+ BAIL APPLN. 2830/2018 and CrI.M.A.48554-48555/2018

MOHD. QUARBAN Petitioner

Through: Mr. K. Singhal, Adv.

versus

STATE Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Insp. Jeetandra Tiwari, Special
Cell

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

03.12.2018

The status report filed.

The two submissions raised by the petitioner in support of his plea of false implication are that he was a witness for special cell in a previous case (FIR No.10/2012) wherein his testimony had been recorded on 19.11.2013, it being perceived as one hostile to the prosecution, consequent whereupon he was falsely implicated in the present case, his arrest having been shown effected on 15.01.2014 based on alleged recovery of one kg. of *heroin* which was planted on him and, second, that the call detail records (CDRs) of his mobile phone, as relied upon by the prosecution, themselves reflect that he was using the said phone till 17.01.2014, which would be after his arrest, even though the phone was shown to have been seized earlier during personal search.

On being asked, the learned counsel submits that though he had pleaded these grounds in the bail application, the same have not been taken

note of or considered by the special Judge while declining the relief of release on bail by order dated 27.10.2018.

From the perusal of order dated 27.10.2018, it is noted that there is no reference to any such grounds being pressed at the stage of hearing on the bail application. Be that as it may, as is now requested, the petitioner is permitted to withdraw the present petition and the applications filed therewith and move a fresh application for bail before the special Judge with specific reference to the above mentioned two grounds and also raise such other arguments as may be available to him under the law.

The petition and the applications filed therewith stand dismissed as withdrawn with liberty as prayed for granted.

R.K.GAUBA, J

DECEMBER 03, 2018

vk