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

% **Date of Decision: 06.12.2019**

+ **BAIL APPLN. 547/2019**

Rahis Ahmed @ Rahish Petitioner

Through: Mr.Arun Kumar Sharma,
Shankar Singh and Vaibhav
Sharma, Advocates

versus

THE STATE OF DELHI Respondent

Through: Mr G.M.Farooqui,
APP for State alongwith
ASI. Upendra, PS Nand
Nagri.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of an anticipatory bail application filed on behalf of the petitioner Rahis Ahmed @ Rahish under section 438 Cr.P.C. r/w. section 482 CrPC in FIR No. 183/18 u/s. 323/308/34 IPC, P.S. Nand Nagri.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely

implicated in the present FIR. The FIR has been registered on forged, false and fabricated facts. It is submitted that co-accused Saeeda and Shakeela have already been granted bail on 14.08.2018. The other three accused namely Salim Ahmed, Shahnawaz and Yusuf Ali have also been granted bail by Ld. ASJ, Shahdara, Delhi. Complainant Jamil and his accomplices i.e. Bahul, Aadil, Jafar, Taslim in connivance with V.K. Sharma, SHO Nand Nagri has grabbed government's land being number N-436-A, Sundar nagri and have raised a building thereupon. When the neighbours and other local residents including the petitioner and his family members had opposed the same, a false and fabricated complaint has been registered against them. It is next submitted that as per MLC, the inquiry sustained by the victim is simple in nature but the police has registered a case u/s. 308 IPC intentionally to harass the petitioner and his family members. The petitioner is ready to join the investigation as and when required and in these circumstances, it is prayed that petitioner be released on anticipatory bail.

3. The anticipatory bail is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious

in nature. Petitioner is not joining the investigation. The investigation is still in progress and at initial stage. The petitioner is not cooperating with the investigating officer. Custodial interrogation of the petitioner is required. He has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. Perusal of the FIR reveals that complainant Mohd Jameel has given a statement that he along with one mistri Tasleem had come at plot No. 436-A, Sundar Nagri for construction on 26.02.2018. In the meantime two women had started pelting stones upon them from the roof of H. No. 433. Thereafter one Yusuf and Rahees i.e. petitioner had come out from their house holding Danda in their hands and started quarrelling. Yusuf and petitioner Rahees started hitting them with Danda and in the meantime, two boys namely Saleem and Shahnawaj also joined them. Petitioner Rahees hit Tasleem with danda and Tasleem started bleeding from the head. Efforts were made to nab the petitioner Rahees but he is evading arrest. NBWs has been issued against him on 27.11.2018.

5. In view of the above facts appearing on record and further

keeping in mind the fact that case is at the initial stage of investigation and the petitioner is not joining the investigation and his custodial interrogation is required, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

BRIJESH SETHI, J

DECEMBER 06, 2019

Amit