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

% **Date of Decision: 18.12.2019**

+ **BAIL APPLN. 2932/2019**

Paramjeet @ Gola Petitioner

Through: Ms. Jyoti Gupta, Advocate
versus

THE STATE OF DELHI Respondent

Through: Mr Tarang Srivastava
APP for State alongwith
SI. Ritu Dangi, PS
Kalyanpuri, East Delhi.

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 under section 438 Cr.P.C. r/w. section 482 CrPC filed on behalf of the petitioner Paramjeet @ Gola in FIR No. 433/19 u/s. 323/343/427/452/354(B)/506/509/34 IPC, P.S. Kalyan Puri.

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 on 13.09.2019 at about 9.00 PM in the evening Jasvinder Singh, Anil (father of the complainant), Vikram and Gulle had mercilessly beaten Manjeet @ Thaggi (cousin of the petitioner) and Manish, consequent to which a call at 100 number was made and it was registered vide DD No. 65A. As the injured persons Manjeet and Manish were under treatment in hospital, they could not give their statements on 13.09.2019. Later on FIR No. 434/2019 dated 14.09.2019 was lodged in this regard against Jasvinder Singh, Anil (father of the complainant), Vikram and Gulle. The accused persons in FIR No. 434/2019 concocted a false story to rope the petitioner and his family and they made their daughter to make a false call at 100 number alleging misbehaviour and other offences committed by the petitioner at 11.30 pm on 13.09.2019. The said call was registered vide DD No. 91A dated 13.09.2019 and later on the present FIR No. 433/2019 PS Kalyanpuri was registered.

3. It is submitted that petitioner being the cousin of injured Manjeet had taken him to the hospital and had remained with him there till 11.24 PM on 13.09.2019. This is clear from CCTV footage

of the hospital which was later on seen by the IO of the case and time was noted. From the hospital, the petitioner took his cousin Manjeet to his house and remained there. Hence, possibility of the petitioner being present in the house of the complainant at 11.30 PM on 13.09.2019 does not arise. The petitioner had moved an application u/s 438 CrPC seeking anticipatory bail before Ld. ASJ, Karkardooma Courts, New Delhi. However, the said application of the petitioner was dismissed by the Ld. Trial Court vide order dated 23.10.2019.

4. It is submitted that petitioner is ready to join the investigation as and when required and in these circumstances, it is prayed that petitioner be released on bail in the event of his arrest.

5. 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.

6. I have considered the rival submissions. Perusal of the FIR reveals that victim /complainant, who is 16 years old, has given a statement that on 13.09.2019, when she was at her home with her younger brother, petitioner Gola, Angutha, Lala, Babu and Santy entered her house and they molested and misbehaved with her and vandalized household items. The statement of the victim u/s. 164 CrPC was recorded by the court of Ld. MM, KKD Court on 16.09.2019, in which she has corroborated the allegations made in the FIR. It is, however, contended by Id. Counsel for the petitioner that the petitioner Paramjeet @ Gola was at LBS hospital on 13.09.2019 up to 11:24 PM with his injured cousin Manjeet and the alleged incident has happened at about 11.30 PM and thus, there can be no question of the petitioner being present at the spot at the time of alleged incident. I have considered the contention of Ld. Counsel for the petitioner and am of the opinion that this is not the stage to analyse the evidence and consider the alibi of the petitioner. However, even if the contention of the Ld. Counsel is accepted for the sake of arguments, the record reveals that the distance between the place of incident and LBS hospital is about 1 KM only and if

any person goes on a vehicle like motor-cycle or car at a speed of even 30 km/h, he can easily reach at the place of incident from LBS hospital in two minute only. The contention of the Ld. Counsel for the petitioner, therefore, cannot be accepted.

7. Keeping in view the above facts and also the fact that petitioner is absconding and proceedings under Section 82 CrPC have been initiated against him by the Ld. Trial Court and the 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 18, 2019

Amit