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

+ **BAIL APPLN. 2874/2018**

VEERENDRA SINGH

..... Petitioner

Through: Mr. V. Elaanchezhiyan, Mr. Abhishek,
Mr. M. Anis and Mr. Vivek Yadav, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for State with
SI Sundeep Yadav

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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24.01.2019

The petitioner apprehends arrest in case FIR no.607/2018 of police station Tilak Nagar involving offences punishable under Sections 498A, 304B, 34 IPC. He has appeared before this court for relief of anticipatory bail, his request to that effect having been rejected by the court of Sessions by order dated 27.11.2018 passed on bail application 4947/2018. On the submissions that were made before the court, the background facts and the contentions were noted in the proceedings recorded on 05.12.2018 which reads thus :-

“Status report filed.

In the FIR No.607/2018 registered by Police Station Tilak Nagar on 18.11.2018 on the statement of Kuldeep Singh allegations have been made, inter alia, against the petitioner and his son Dhirendra Singh @ Siddharth @ Umang

constituting offences punishable under Sections 498-A/304-B/34 of Indian Penal Code, 1860 (IPC). Kamaljeet Kaur, sister of the first informant, had seemingly committed suicide by hanging herself by neck in her house in Tilak Nagar on 17.11.2018.

From the submissions made by the counsel for the petitioner, and upon perusal of copy of the judgment dated 26.03.2015 rendered by court of sessions in Sessions Case No.18/2015, arising out of FIR No.35/2015 of Police Station Patel Nagar, it appears that the deceased was earlier married to one Jitender on 23.12.2014, she having given birth to a girl child from out of cohabitation with the said Jitender, the said child now being about ten years old. From the said judgment dated 26.03.2015 it is also revealed that the deceased had apparently taken divorce from her first husband Jitender and, thereafter, came to be involved in a relationship with Dhirendra Singh @ Siddharth @ Umang, both being employed at the same work place in similar duties. The deceased had levelled allegations of she having been raped by Dhirendra Singh @ Siddharth @ Umang on false promise of marriage, this led to he being put on trial in the said earlier sessions case No.18/2015. During the course of the said trial, the deceased herself deposed that the relationship was consensual, she bringing on record certain material showing the parties having entered into a marriage on or about 21.02.2015.

From the FIR of the case at hand, and from the submissions of the counsel for the petitioner, it further appears that the deceased had given birth to another girl child from out of her cohabitation with Dhirendra Singh @ Siddharth @ Umang. Though in the bail application it was indicated that the deceased was in “live-in relationship” with the petitioner’s son, at the hearing it is fairly conceded that the said relationship was that of wife and husband.

The counsel for the petitioner submits that he has been a

resident of District Kanpur Dehat, U.P., he not having any connection with the affairs of his son and the deceased, who were living all alone in Delhi. It is his submission that the allegation in the FIR about he being party to the harassment of the deceased on account of demand by his son of money and threats extended in such wake are unfounded and vague. He also submits that he is suffering from brain tumor and in support of his plea, he has placed on record radiological report dated 17.08.2016.

In the above noted facts and circumstances and, from the status report filed, it appears that the investigating agency needs time to gather all necessary facts, particularly in light of what has been submitted before this court today at the hearing on this bail application.

From the above, it appears that while the matter needs deeper probe as to the complicity or otherwise of the petitioner, some protection deserves to be granted to him.

Be listed on 24.01.2019.

Further status report shall be submitted.

Meanwhile, no coercive steps will be taken against the petitioner, subject to, however, he joining investigation as and when required.

At this stage, Inspector Gursewak Singh, the investigating officer submits that the petitioner may be directed to join investigation tomorrow, i.e., 06.12.2018 at 4:30 p.m. in the Police Station Tilak Nagar. The counsel for the petitioner submits that the petitioner will scrupulously abide.”

Further status report has been submitted which confirms that the petitioner did join investigation. Meanwhile it is pointed that Siddharth

Singh @ Dhirendra Singh who also statedly uses the name of Umang, son of the petitioner was admitted to bail by the court of Sessions by order dated 22.12.2018 on his bail application (no.5877/2018). A copy of the said order has been placed on record.

Having regard to the facts and circumstances, a case for release of the applicant on anticipatory bail is made out. Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (v) He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

This order will inure only till the date of first appearance of the

petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J.

JANUARY 24, 2019

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