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

% **Date of Decision: 12.02.2020**

+ **BAIL APPLN. 233/2020**

HARI SINGH MEENA ..... Petitioner

Through: Mr. Sunil Panwar & Pradeep  
Kumar Arya, Advocates.

versus

THE STATE OF DELHI ..... Respondent

Through: Mr G M Farooqui,  
APP for State alongwith SI K  
P Rana, PS Sonia Vihar.

**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 Hari Singh Meena under section 438 Cr.P.C. in FIR No. 185/2019 u/s. 419/420/120-B/34 IPC.

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. It is submitted that the present FIR has been registered in the PS Sonia Vihar wherein the petitioner is not named. Despite this fact, some police officials of PS Sonia Vihar are trying to arrest the petitioner while the petitioner is innocent. He

is a student of final year Polytechnic Diploma Course and has nothing to do with the alleged offences. On 22.12.2019 some police officials had come to the house of petitioner for arresting him. However, the petitioner was not present at home. The police officials had then pasted one copy of proclamation under section 82 Cr.P.C. on the gate of petitioner's house wherein the father's name and address of petitioner were different.

3. The petitioner's counsel has also inspected the charge sheet filed in present case and came to know that the NBW's and proceedings u/s 82 Cr.P.C. both were issued with different father's name and with different residential addresses which do not belong to the petitioner. The NBW's were issued in the name of one Hari Singh S/o. Jagdish R/o. Village Baglai, Tehsil Mahavir Ji, District Karoli, Rajasthan which does not match with petitioner. The proceedings under section 82 Cr.P.C. were issued against one Hari Singh Meena S/o. Rameshwar Prasad Meena R/o Village Baglai, Thana Piloda, District Karoli, Rajasthan which also does not match with petitioner.

4. Ld. counsel has submitted that petitioner is ready to join the investigation as and when required and has, therefore, prayed that he be released on bail in the event of his arrest.

5. The application is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. Ld. APP has, therefore prayed for dismissal of the bail application.

6. I have considered the rival submissions. Learned Counsel for

the petitioner has relied upon the decision of this court in bail application titled “**Manoj Rana Vs. The State (NCT of Delhi), 2010 [4] JCC 2448**”. I have gone through the same. However, the same is distinguishable on the basis of facts and circumstances stated therein. Moreover, no straight jacket formula can be laid down for grant of bail. Each case depends upon its own peculiar facts and circumstances.

7. As per prosecution case, Insp. Rajesh Sharma ATO/ Jafrabad Delhi was deployed on duty in Delhi police Examination 2017 (Trade Test) for MTS (Multi Task Staff) being conducted in PTS Wazirabad, Delhi from 30.07.2019 to 13.09.2019. On 05.08.2019, he was checking the documents. During checking, one candidate namely Rameshwer Parsad Meena S/o. Jagdish Parsad Meena R/o VPO-Aluda Bhaiji Wali Kothi, Tehsil Nangal, PS-Nangal, Distt.-Daura, Rajasthan vide roll No. 2407520 had come for checking and he was subjected for bio-metric checking. During bio-metric checking, the finger prints & photograph of Rameshwer Parsad Meena did not match with the finger prints & photograph saved in the records of biometric company. On sustained interrogation, Rameshwer Parsad Meena revealed that he had filled the application form and his written examination for MTS test was scheduled on 07.01.2019 at PTC, Jharoda Kalana Delhi. He further disclosed that one Upender s/o. Kanhaya Lal R/o. Near, Jhadu Fatak, Daura, Rajasthan, who was known to him had appeared in the written examination, on 07.01.2019, in his place. On the complaint of Insp. Rajesh Sharma ATO/ Jafrabad Delhi, present FIR was registered.

8. During investigation, on 05.08.2019 co-accused Rameshwer was arrested who disclosed that Upender S/o. Kanhaya Lal R/o. Near ,Jhadu Fatak, Daura, Rajasthan had appeared in written examination in his place and one Hari Singh (petitioner) had arranged a meeting with Upender. He had also given Rs. 4 lakh to petitioner Hari Singh to get the examination cleared. On 07.01.2019, co-accused Upender was arrested, who also disclosed that petitioner Hari Singh had given Rs. 50,000/- to him to appear in MTS examination in place of Rameshwer Prasad Meena. As per CDR of accused persons, the petitioner was in touch with other co-accused persons before and after the examination.

9. In view of the above facts appearing on record and nature of offence and the fact that custodial interrogation of the petitioner is required, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

**BRIJESH SETHI, J**

**FEBRUARY 12, 2020**

Amit