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

% **Date of Decision: 28.02.2020**

+ **BAIL APPLN. 599/2020**

Rahis Ahmed

..... Petitioner

Through: Mr. Sanjay Sharma, Advocate
versus

THE STATE OF DELHI

..... Respondent

Through: Mr G.M.Farooqui, APP for
State alongwith ASI
Mahendra Singh 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 second anticipatory bail application filed on behalf of the petitioner Rahis Ahmed under section 438 Cr.P.C. 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. It is submitted that first anticipatory

bail application bearing no. 547/2019 moved by the petitioner was declined by this Court vide order dated 06.12.2019 on the ground that the investigation is at initial stage, petitioner is not joining the investigation and his custodial interrogation is required.

3. 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 anticipatory bail.

4. 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. The first anticipatory bail application moved by the petitioner has already been dismissed by this Court. Petitioner is still 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 for recovery of weapon. He has, therefore prayed for dismissal of the bail application.

5. I have considered the rival submissions. The first anticipatory bail application **bearing no. 547/2019** moved by the petitioner was dismissed by this Court vide a detailed **order dated 06.12.2019** on

the ground that the investigation is at initial stage, petitioner is not joining the investigation and his custodial interrogation is required. Since then there is no change in the circumstances of the case. Petitioner is still not joining the investigation. The investigation is still in progress and at initial stage and petitioner is not cooperating with the investigating officer. In view of the above facts appearing on record and further keeping in mind the fact that custodial interrogation is required for recovery of weapon of offence, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

6. Dasti.

BRIJESH SETHI, J

FEBRUARY 28, 2020

Amit