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

+ **BAIL APPLN. 895/2020**

SUBHAM alias SUBBE

..... Petitioner

Through: Mr Rakesh Chander Agrawal,
Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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02.07.2020

[Hearing held through videoconferencing]

1. The petitioner has filed the present petition, *inter alia*, praying for bail in FIR No. 145/2019 under Sections 307/506/387/392/397/34 of the IPC and Sections 25/27/54/59 of the Arms Act, registered with Police Station Mehrauli.
2. Mr Agrawal, learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated and this is evident from the fact that the three FIRs were filed in quick succession from persons who were resident at the same address. He submitted that FIR No. 134/2019 also registered by the complainant on the same date. In addition, he states that another person named Vishal residing at the same address had filed another FIR (FIR No. 135/2019) against the petitioner.
3. Next, he submitted that although there are various FIRs filed against the petitioner but he has either been acquitted or released on bail in those FIRs. He submitted that the petitioner had also compromised the subject

disputes of two of the FIRs. However, the FIRs in question have not been quashed on the basis of the compromise as yet.

4. He further submitted that most of the FIRs mentioned that the petitioner had made an extortion demand of ₹5,00,000/- and this clearly indicates that the cases instituted against the petitioner have been fabricated. He stated that there was no reason for the petitioner to demand the same sum from all complainants without any variation in the sum allegedly demanded. The same indicated that the petitioner has been falsely implicated.

5. The status report has been filed which indicates that the petitioner has been involved in 13 FIRs (including the FIR in question – FIR No. 145/2019). A perusal of the petition indicates that there is no dispute that the petitioner is involved in the said FIRs.

6. It is submitted that in regard to one of the FIRs (FIR No. 1826/2016, under Sections 308/323/34 of the IPC), no details are available. However, in seven other FIRs, the petitioner has been released on bail. It is also averred in the petition that the petitioner has been acquitted in 4 other FIRs. It is also important to note that the submissions made by Mr Agrawal also include the submission that the petitioner had entered into compromise in respect of subject disputes that are subject matter of two FIRs.

7. In view of the above, it admitted that the petitioner is involved in several cases, although he may have been acquitted in some; may have entered into compromise in some; and may have been released on bail in the others.

8. The contention that the FIR in question is palpably false as it has been filed in quick succession of two other FIRs is also not persuasive. FIR No. 134/2019 was filed by the same complainant (Satyadev) as he had alleged that he had received a phone call from the petitioner demanding a sum of ₹5,00,000/- and was threatened with severe consequences if he failed to meet the demand. According to the complainant, the said telephone call was received on 21.02.2019 and accordingly the same was reported.

9. The complainant had filed the instant FIR (FIR No. 145/2019) not on the same day but on 23.02.2019. In this FIR, he also narrated the incident of the telephone call received on 21.02.2019 and also disclosed that he had made a complaint against the petitioner on the basis of which FIR No. 134/2019 was registered. He stated that as a follow up of the call received from the petitioner, the petitioner had come to his site (Plot No. 895/C-22 Ward No. 8, Mehrauli) at about 02:30 pm along with his friends on a red coloured Scooty DL-9S-BG 7445 and once again demanded a sum of ₹5,00,000/-. The complainant alleged that he had pointed a pistol at his head and his other friends had taken out ₹25,000/- from his shirt pocket. He also alleged that the petitioner had told his friends to kill him and two bullets were also fired. He alleged that hearing the gunshots, several persons collected at the site and one of the boys who had accompanied the petitioner ran away while the petitioner and one of his accomplices were apprehended by the public and they beat them. He stated that the pistol fell on the ground. The same was handed over to the PCR, arrived pursuant to a call made by the complainant's supervisor (Rajesh). It is apparent from the above that although two FIRs were filed by the complainant, the same are

linked and do not in any manner indicate that the allegations are false merely because the complaints were filed within a short period of two days.

10. The contention that the FIR bearing no. 135/2019 was also filed by a resident of the same address is incorrect. The said FIR was registered at the instance of one Vishal who resides in a separate dwelling unit (House No. 705 and not 705A). Although it appears that the same is in the same building as the residence of the complainant but it does not have the same address.

11. Vishal had complained that he had gone to gym for his exercises and had witnessed a scuffle that had broken out between some boys including the petitioner and one his friends Panchu. Vishal alleged that he intervened and the petitioner took out a knife from his pocket and stabbed him on his thigh. The said incident is reported to have occurred on 20.02.2019 at 10:30 p.m.

12. The fact that the complainant had alleged that he had received a telephone call at 07:00-08:00 p.m. on 20.02.2019 and on 21.02.2019 does not in any manner indicate that the allegations made by Vishal in his FIR are palpably false.

13. In view of the above, at this stage, it is not possible for this Court to *prima facie* conclude that the allegations made in the FIR are false and the petitioner has been falsely implicated.

14. As noticed above, it is not disputed that the petitioner is involved in several cases. At least in two of the FIRs that have been filed (FIR No. 135/2019 and FIR No. 145/2019) it is alleged that arms were used: that is,

pistol in one case and knife in another.

15. Considering above, this Court is of the view that releasing the petitioner at this stage involves a risk of the witnesses being intimidated or influenced. The charges have not been framed as yet. The alleged offences are serious.

16. In view of the above, this Court does not consider it apposite to allow the present petition. The same is, accordingly, dismissed.

JULY 02, 2020
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VIBHU BAKHRU, J