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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1069/2020**

SALMAN alias MAANApplicant
Through: Mr.Sudhir Roy, Advocate.

Versus

STATE (NCT OF DELHI)Respondent

Through: Mr.Kamal Kumar Ghei, APP for State.
SI Rakesh Mund, IO

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

% **ORDER**
22.06.2020

The status report has been submitted by the State in relation to the aspects detailed vide order dated 15.06.2020, in as much as, it had been submitted by the learned counsel for the applicant that as per the charge sheet itself, there were CCTV cameras in the area and thus, it was directed that the specific status report of as to what ascertained during the investigation through the CCTV cameras be placed on the record by the State. The said status report submitted by the State is to the effect that the CCTV cameras were installed in the nearby vicinity in the area which were identified and checked, that the place of occurrence falls in a very narrow street and there is no CCTV camera in the street where the incident took place.

As per the status report submitted by the State dated 19.06.2020, it is stated that during the investigation there were some of the CCTV cameras installed which were not functioning and the other CCTV cameras were also analyzed but no CCTV footage of the incident was

recorded in the cameras. *Inter alia* it has been submitted on behalf of the State that the accused persons were the residents of the area and were aware of the cameras installed in the area and that the accused persons have several criminal antecedents so they followed the route where either CCTV cameras were not installed or not functioning.

On behalf of the applicant, it has been submitted that the statement of the complainant has been recorded with much delay and there was no evidence found at the spot of the incident with there being no blood spots and there being no cartridges nor any pellets of any cartridges fired at the spot despite a DD entry to the effect that there was firing that had taken place. It has also been submitted on behalf of the applicant that the statement of the applicant was also recorded on 14.12.2019 after much delay with the incident being of the date 10.12.2019 and that thus, the delay is inexplicable.

It has also been submitted on behalf of the applicant that the applicant had come to Delhi in order to attend some other cases and he had given information to the Investigating Officer of those cases as well.

On behalf of the State, it has been submitted that the statement dated 14.12.2019 of Jugnu, the injured is categorical and clear and that it was that the applicant was along with other accused persons at the time of the assault that had been made on the injured and that the injured was unfit for the statement prior to the date 14.12.2019. A further submission is made on behalf of the State that the applicant is involved in several other cases i.e. in relation to FIRs i.e.

- FIR No.1067/2014, PS Uttam Nagar under Sections 308/325/34 of the IPC, 1860;
- FIR No.227/2017. PS Hazrat Nizammudin under Sections 356/379/34 of the IPC, 1860;

- FIR No.60/2018, PS Uttam Nagar under Sections 336 of the IPC, 1860 & Section 25 of Arms Act, 1959;
- FIR No.1052/2018, PS Bindapur under Sections 395/412/34 of the IPC, 1860;
- E FIR-1574/2018, PS Uttam Nagar under Section 379 of the IPC, 1860;
- FIR No.183/2019, PS Uttam Nagar under Sections 308/323/34 of the IPC, 1860, and
- FIR No.403/2019, PS Vikaspuri under Sections 25 of Arms Act, 1959.

and it has further been submitted on behalf of the State that the applicant was externed u/S 47 of the Delhi Police Act, 1978 from the limits of NCT of Delhi for a period of two years w.e.f. 24.07.2019 vide order dated 17.07.2019 passed by Sh.R.P.Meena, Additional Deputy Commissioner of Police, Dwarka, New Delhi Competent Authority under Delhi Police Act, 1978 at the Dwarka District but that the offence was committed on 10.12.2019 within the area of Delhi and thus, the applicant despite his externment, was found in Delhi on 10.12.2019 and was arrested on 22.02.2020 from West Nizammudin, New Delhi.

On a consideration of the rival submissions that have been made on behalf of either side, coupled with the factum that the applicant has several cases against him; that the applicant was externed from Delhi w.e.f. 24.07.2019 and found in Delhi on the date of the alleged commission of the offence as well as coupled with the factum of the statement of the injured, there is no ground for bail.

The applicant is thus, declined.

ANU MALHOTRA, J

JUNE 22, 2020/‘neha chopra’