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

+ **W.P.(CRL) 1135/2020**

RADHEY SHYAM

..... Petitioner

Through Mr Avtar Singh Bhamlot, Mr Manjeet
Phalswal, Advocates.

versus

THE STATE OF NCT OF DELHI AND OTHERS Respondents
Through Ms Nandita Rao, ASC for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.07.2020

[Hearing held through video conferencing]

CRL. M.A. 9988/2020 & CRL. M.A. 9987/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1135/2020

2. The petitioner has filed the present petition, *inter alia*, praying as
under:-

"Issue the writ of mandamus, or any other order/s or
direction/s as may be deemed fit and proper in the facts
and circumstances of the case directing the Respondent
no. 2 to transfer the investigation of the case FIR No.99/
2020, U/s 307/34 IPe and Section 25/ 27/ 59 Arms Act,
PS- Sangam Vihar, New Delhi to the Crime Branch or
any other competent agency for proper investigation, in
the interest of justice."

3. The petitioner has filed the present petition *inter alia* stating that he is

being pursued by a habitual criminals and fears for his life and that of his family members. He states that one Rahul had attempted to kill his son-in-law, Pradeep, but he in turn was accidentally killed in that incident. The petitioner's son-in-law Pradeep is accused of that incident. The petitioner claims that he has been assiaitng his son-in-law Pradeep to defend the said case. He states that in view of the above, the accomplices of the deceased Rahul are inimical towards him and they are well known criminals of the area. It is alleged that on 20.03.2020 at about 10.00 p.m. four persons came to the residence of the petitioner and one of them (Ved Prakash @ Lala) had fired a round at the petitioner resulting him sustaining injuries. It is also alleged that the three other accused, namely, Chintu, Aakash and Rahul were exhorting Ved Prakash @ Lal not to spare the petitioner as he was pursuing the matter on Pradeep's behalf. He states that he would have been killed but was saved as the neighbours intervened and the accused ran away.

4. On 21.03.2020 an FIR in this regard was registered being FIR No. 92/2020 under Section 307/34 IPC and Section 25 and 27 of the Arms Act with PS Sangam Vihar. The accused Ved Prakah @ Lala was arrested on the same day, however, the police did not arrest the other co-accused, namely, Chintu, Rahul and Aakash. The petitioner states that he has been receiving threats from them and has been warned that whenever the accused Ved Prakash is released from custody, the petitioner would be killed.

5. The petitioner contends that the investigation is not being properly handled and the other co-accused have not been arrested. This has prompted him to file the present petition.

6. Ms Rao, learned ASC appearing for the State submits that other three accused were not arrested because they were absconding, however, efforts to

trace them are being made by the concerned police officials. She states that on the basis of the information received from a secret informer, the accused Chintu was apprehended and arrested on 22.07.2020.

7. In view of the above, this Court is unable to accept the contention that proper steps are not being taken by the concerned police officials. Nonetheless, since the petitioner has expressed an apprehension regarding safety of his life and that of his family members, this Court considers it apposite to direct that the concerned ACP may also supervise the investigation to ensure that it is properly conducted. He shall also examine whether it is necessary to provide any security to the petitioner or his family members and if so he shall take the necessary steps to provide such security as he considers necessary.

8. No further orders are required to be passed in this petition.

9. The petition is disposed of.

VIBHU BAKHRU, J

JULY 28, 2020

pkv