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

+ **BAIL APPLN. 1959/2020**

NARESH KUMAR

..... Petitioner

Through Mr.Mohit Chaudhary, Adv.

versus

STATE

..... Respondent

Through Mr.Izhar Ahmad, APP for State.
SI Gaurav Chaudhary, PS H.
Nizammudin.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **18.08.2020**

The hearing has been conducted through video conferencing.

1. Present petition has been filed under section 438 Cr.P.C. on behalf of petitioner for grant of anticipatory bail in pursuance to FIR No.45/2020 registered at Police Station Hazarat Nizamuddin for the offences punishable under sections 420/467/468/471/120-B/34 IPC.
2. Pursuant to order dated 29.07.2020, the petitioner joined investigation and stated that accused Raghubir Singh Matharu is known to him since childhood as both of them used to reside in same locality. Now, Raghubir is not residing at the said house as he sold the same around 15 years ago. Petitioner retired on 28.02.2020 from CPWD, Vidhyut Bhawan, New Delhi. He is not involved in any sort of act with accused Raghubir Singh.
3. In the Status Report, it is further stated that at present, petitioner Naresh Kumar is named in the disclosure statement of accused Brij Bhushan

who is in JC and at this stage, there is no incriminating evidence against him except the disclosure statement of accused. His role, if any, can only be established after the arrest of accused Raghubir Singh.

4. In view of the above facts mentioned in the Status Report, I am of the view that the present petition is a fit case for grant of anticipatory bail at this stage. Accordingly, the SHO/Arresting Officer/IO concerned is hereby directed that in the event of arrest, the petitioner shall be released on bail on his furnishing a personal bond of Rs.25,000/-.

5. Though, arrest is not mandatory, however, after recording the statement of accused Raghubir Singh, if IO feels that custodial interrogation of the petitioner is required, he shall put up a note by mentioning reasons therein before DCP concerned and if the concerned DCP agreed that the custodial interrogation of the petitioner is required, in that situation, IO shall issue notice to petitioner to join investigation.

6. The petition is, accordingly, allowed and disposed of.

7. Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

AUGUST 18, 2020/ab