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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. NO.1974/2020

NEERAJ DAHIYA

..... Petitioner

Through: Mr.Jai Prakash, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for
State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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31.07.2020

(hearing through Video Conferencing)

Pursuant to the proceedings dated 30.7.2020, the status report has been submitted on behalf of the State through which the State has refuted the contention of the applicant that the applicant had joined the investigation on 20.8.2019 with it having been submitted on behalf of the State that there were no signatures of the applicant that had been obtained in as much as only digital Rojnamchas are maintained at every Police Station since January, 2019. It is also indicated through the status report that the applicant was called upon to join the investigation on or after 22.6.2020 as per the directions of the learned ASJ, Rohini Courts, Delhi vide order dated 21.5.2019 when the applicant was arrested in relation to the FIR No. 228/2020 at Police Station Vijay Vihar and before that it could not be served as the applicant was intentionally evading his arrest and was absconding.

A submission was made on behalf of the applicant further that no interrogation was conducted by the Investigating Officer qua the present FIR

despite the petitioner having been arrested in two other FIRs, qua which it is submitted on behalf of the State that there are other FIRs other than present case as also borne out from the status report that has been submitted for the day.

It has been submitted on behalf of the applicant that the FIR in the instant case has been lodged with a delay and was registered on 2.11.2018 qua an incident of the date 30.10.2018 and that even otherwise the contention that has been raised on behalf of the State that there is a recovery of an iron rod with which the applicant is alleged to have assaulted the injured persons which has to be recovered, the same cannot now be recovered after a lapse of two years.

On behalf of the State it is submitted that the status report dated 30.7.2020 is categorical to the effect that the DD Entry No. 92 A was lodged on 30.10.2018 itself when an information was received from the BSA hospital whereafter the Investigating Officer had gone there and found that Lalit and Vishal the injured persons had gone to some other hospital for taking requisite medical treatment but no details of that hospital were given to the police and it is only on 31.10.2018 that the complainant Lalit again visited the BSA hospital and then the police was informed and then the complainant stated that due to unbearable pain he was unable to give his statement and that Vishal who was admitted in Maharaja Agrasen Hospital was also unfit to give any statement, as a consequence of which on 2.11.2018, SI Vishal Gupta again visited the BSA hospital and that the statement of Lalit was recorded and the FIR No. 688/2018 under Section 308/323/452/34 of the Indian Penal Code, 1860, was registered.

On a consideration of the submissions that have been made on behalf

of either side, presently in as much as the information was received on the date of the incident itself from the BSA Hospital on the date 30.10.2018 though it is indicated by the status report observing to the effect no statement was recorded on that date at the BSA hospital as the injured persons had left the hospital without any information as to which hospital they had gone, presently, the delay in the registration of the FIR cannot be held to be adverse against the Investigating Agency.

The status report on the record also indicates to the effect that the Investigating Officer has not interrogated the applicant in the instant case pursuant to the FIR No. 688/2018, PS Vijay Vihar. The allegations levelled in the FIR are categorical in relation to the iron rod having been utilized by the applicant with allegations of his beating Vishal after entering the office of the complainant Lalit and also having assaulted Lalit. It is submitted through the status report that the State seeks to recover the iron rod with which the applicant is alleged to have assaulted the injured persons and merely because there was a lapse of two years in the registration of the FIR, the same is not a sufficient ground to grant the bail when the interrogation of the applicant is required for recovery of the iron rod.

In the circumstances there is no ground whatsoever for grant of bail to the applicant.

The application is declined.

Nothing stated herein shall however amount to an expression on the merits or demerits of the trial that may take place.

ANU MALHOTRA, J

JULY 31, 2020/sv