



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

Judgment reserved on: 31.01.2020

Date of decision: 09.09.2022

+ CRL.M.C. 2360/2019 & CRL.M.A. 9383/2019

DEEPMALA

..... Petitioner

Through: Ms. Mallika Parmar, Advocate.

Versus

STATE & ORS.

.... Respondents

Through: Mr. Sanjeev Sabharwal, APP
for State with SI Jasbir Singh,
ASI Sunil Dutt, PS Ranhola.
Mr. Chirag Mudgal, Adv. for R-
6.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J

1. The petitioner, vide the present petition seeks the setting aside of the order dated 16.03.2019 in Bail Application No.616/2019 of the Court of the learned ASJ, Tis Hazari Courts, (West) and seeks the cancellation of bail granted to respondent Nos. 2 to 9 in case FIR No.249/2015, PS Ranhola under Sections 323/354/506/34 of the Indian Penal Code, 1860, and has sought directions to the respondent No.1 to arrest and take the said respondent Nos.2 to 9 in custody in the said case.



2. Notice of the petition was issued to the respondents and during the course of proceedings on 12.07.2019, it was submitted on behalf of the petitioner that the prayer against the respondent Nos.2 to 5 and 7 to 9 was not pressed and that the prayer was confined to seeking the cancellation of bail granted to respondent No.6 Chander Shekhar in relation to the said FIR and the petition is thus being treated only qua the said prayer.

3. The status report of the State dated 13.05.2019 submitted under signatures of Insp. Manmohan Singh, SHO/PS Ranhola is on the record.

4. The reply filed to the application under Section 439(2) of the Cr.P.C., 1973 on behalf of the respondent Nos.2 to 9 dated 09.07.2019 which has been submitted to be treated as the reply of the respondent No.6 Chander Shekhar as submitted by the counsel for the said respondent on 12.07.2019 and the reply solely filed on behalf of the respondent No.6 Chander Shekhar to the said application supported with an affidavit dated 20.09.2019 are on the record.

5. The proceedings on the record as also reflected through the status report submitted by the State indicate that the FIR was registered on the complaint of the petitioner herein Deepmala Singh, D/o Sh. Chander Pal Singh, R/o House No. A-42, Brahmpuri Colony, Ranhola, New Delhi, wherein she alleged that on 08.04.15 at 9:00 AM, she along with her parents was going on a motorcycle and their motorcycle was stopped after some distance from their house, and Pawan and Deepak, initially arrayed as respondent Nos. 5 and 3 respectively to the petition against whom now no relief is sought by



the petitioner, hit a brick on the head of the father of the petitioner and started beating her and her mother, and molested her mother and also misbehaved with her, and Ranjan (arrayed as respondent No.2 to the petition initially filed), Pankej (arrayed as respondent No.4 to the petition initially filed), Chander Shekhar (arrayed as respondent No.6 to the petition initially filed against whom the relief is now sought), Gaurav (not arrayed to the petition), Renu (not arrayed to the petition), Priya (arrayed as respondent No.9 to the petition initially filed) and Anita (not arrayed to the petition), who were the other persons on the street surrounded them and the brother of Pawan and his mother hit a danda and brought a knife from their house and threatened to kill them, and Pawan, Ranjan, Gaurav, Deepak and Mangal started beating them and touched her inappropriately.

6. It has been submitted through the status report that after the completion of investigation, the charge sheet under Sections 323/354/354B/506/34 of the Indian Penal Code, 1860 against the accused Ranjan Choudhary, Deepak, Pankej, Smt. Anjali Devi @ Priya, Smt. Sushila Devi, Dhananjay Kumar, Pawan and Chander Shekhar was filed before the learned Trial Court, and that the matter is pending trial, and the charge against the accused persons was framed vide order dated 08.10.18 and the next date of hearing then was fixed for 22.05.19.

7. It has been submitted further through the status report that on 29.01.2019, the complainant filed an application for cancellation of bail before the learned Trial Court which was dismissed and on



16.03.2019, the complainant filed the application for cancellation of bail before the Sessions Court, which was also declined.

8. The State has further submitted through the status report dated 13.05.2019 that on 08.04.2015 a cross FIR i.e. FIR no. 250/2015, PS Ranhola under Section 323/354 of the Indian Penal Code, 1860 was registered on the complaint of Smt. Poonam Devi w/o Pawan Kumar R/o H.No.45A, Brahmpuri, Ranhola Delhi against Chander Pal Singh, the said Pawan Kumar being one of the accused arrayed initially to the petition as respondent no.5 against whom the petitioner in terms of proceedings dated 12.07.2019 seeks no further action. It has been stated further through the status report that the matter is pending in the Trial Court and the charges were framed on 16.01.2018 with the matter then fixed for prosecution evidence.

9. The said status report further reflects that on 07.01.2015, an FIR bearing No. 14/15, PS Ranhola under Section 509 of the Indian Penal Code, 1860 was registered on the complaint of the petitioner herein named Ms. Deepmala D/o Chanderpal against the accused Deepak @ Mohit s/o Sh. Multan Singh r/o H. No. 15, Ganga RamPark, Ranhola, Delhi and the matter was pending in the Trial Court.

10. It is further stated through the said status report that on 08.01.2015, a cross FIR bearing No. 20/2015, PS Ranhola under Section 354 of the Indian Penal Code, 1860 and Section 8 of the POCSO Act, 2012 was registered against Chanderpal (Chanderpal being the father of the petitioner herein) which is stated to be pending in the Trial Court.



11. As per the status report on 29.04.2018, an FIR bearing No. 346/2018, PS Ranhola under Sections 323/341/506/34 of the Indian Penal Code, 1860 was registered on the complaint of Smt. Raj Kumar r/o A-42, Brahmpuri Colony, Ranhola, Delhi against Gaurav Anand s/o Chander Parkash R/o H.No. 47, Brahmpuri Colony, Ranhola, Delhi and that accused was arrested on 8/05/18 and released on police bail. As per the status report that had been submitted, that case was pending investigation at that stage.

12. It is indicated through the status report that on 30/04/2018, a cross FIR bearing No. 352/18, under Sections 323/341/506/34 of the Indian Penal Code, 1860 was registered on the complaint of Gaurav Anand s/o Chander Parkash (Chander Parkash being arrayed as respondent no.6 to the present petition whose cancellation of bail the petitioner seeks) R/o H.no. 47, Brahmpuri Colony, Ranhola, Delhi against Chanderpal and his son Ranjeet (Chanderpal and Ranjeet being the father and brother respectively of the petitioner herein) which case was also pending trial before the Trial Court (with the address H. No.47, Brahmpuri Colony, Ranhola, Delhi being the address of Chander Prakash and his son Gaurav), which case is also stated to be pending.

13. It is further stated through the status report that on 01/05/18 at 11.21 PM, a PCR call regarding a quarrel at H.No. 21, Brahmpuri, Ranhola was received at PS Ranhola vide DD no. 56A and ASI Ramraj reached at the spot and recorded the statement of the complainant Ms. Deepmala D/o Sh. Chander Parkash R/o A-42, Brahmpuri, Ranhola, Delhi, wherein, she alleged that on that date at



11.00 PM she was sleeping at her house and her neighbors Chander Shekhar (the respondent no.6 against whom the petitioner seeks the present relief) and his son Gaurav (against whom the petitioner now does not seek any relief) broke the CCTV cameras which were installed at her house and when her mother and brother Ranjeet asked them why they broke the CCTV cameras, they abused and threatened and a preventive action under Section 107/151 Cr.P.C. was taken and Chander Shekhar was arrested. It is further stated through the status report that on 2/05/2018, the complainant Deepmala lodged a complaint vide LC -1122 regarding the same incident and the complaint was filed as preventive action had already been taken on her complaint.

14. The petitioner, through the present petition has mentioned of the various FIRs registered *inter se* between the parties to the petition and refers to allegations in FIR No.249/2015, PS Ranhola under Sections 323/354/506/34 of the Indian Penal Code, 1860 in paragraph 5 of the petition, which reads to the effect:-

“5. That the harassment of the Petitioner at the hand of the Respondents No. 2-9 did not stop there. That on 08.04.2015, at around 9 AM the Petitioner was leaving her house alongwith her parents on a motorbike, when a few houses down the road, the Respondents No. 2 to 9 stopped the Petitioner and her family and Respondent No. 3, Deepak and Respondent No. 5, Pawan stopped hit the father of the Petitioner with a brick and pushed the bike off the road. They started hitting the Petitioner and her parents with bricks and stones and also started pulling at the clothes of the Petitioner and Petitioner's mother. They further threw away the keys of the bike. Thereafter, Respondents No. 2-9 altogether surrounded



the Petitioner and her parents and started hitting them with sticks. They brought knives from their houses and said that they will kill the Petitioner and her parents. They also started assaulting the Petitioner and her mother sexually. They somehow saved themselves and ran off to their house but the Respondents No. 2-9 ran after them and threatened them. Therefore, the police officials were called and the MLC of the Petitioner and her parents was also conducted. FIR No. 249/2015 dated 08.04.2015 came to be registered against the Respondents No. 2 to 9 u/s 323/354/506/34 IPC, PS Ranhola. That further, the Petitioner in the FIR disclosed that the Respondents No. 2-9 live in the same locality and have enmity against the Petitioner and her family as they want the Petitioner's family to vacate their house. This is because the petitioner's family do not socialise with the other residents, including Respondents No. 2-9 of the locality. Pertinently, that while registering the subject FIR, the police officials tampered with the original complaint of the Petitioner, and changed certain facts.”,

and has stated further vide paragraphs 6 to 20 of the petition to the effect:-

“6. That once again, as a counter-blast to the FIR registered by the Petitioner against Respondents No. 2-9, one Poonam Devi, wife of Respondent No.5 got registered FIR No. 250/2015 u/s 323/354 IPC PS Ranhola against, Chander Pal Singh, father of the Petitioner.

7. That the statement of the Petitioner and her mother u/s 164 CrPC were recorded on 13.04.2015 wherein they supported their statements u/s 161 CrPC.

8. That the Petitioner, thereafter, moved the Ld. MM, West, Tis Hazari Courts, Delhi seeking protection for herself and her family and also apprising the Ld. Court of the fact of tampering with the complaint of the



Petitioner. That vide order dated 07.05.2015, the Ld. MM was pleased to grant protection to the Petitioner and also sought the Status Report from the IO concerned.

9. That ultimately chargesheet in FIR No. 249/2015 PS Ranhola came to be registered against the Respondents No. 2-9 u/s 323/341/354/354B/506/34 IPC. That as on date the matter is pending trial before Ld. MM, Tis Hazari (West) for Prosecution Evidence.

10. That in order to pressurize the Petitioner and her family to not only compromise the complaints/FIRs registered against them, but also to pressurise them into selling of their house and leaving the locality, the Respondents No. 2-9 in connivance with each-other, through unknown number started sending vulgar messages on the mobile being used by father of the Petitioner as well as mobile used at her household. These messages were sent on 28.11.2015 to 30.11.2015 and therefore, the Petitioner was once again constrained to get registered FIR No. 0985/2015 u/s 195A/506/509 IPC & 66(A) IT Act PS Ranhola on 31.11.2015 which was registered against unknown persons. That as on date the matter is still pending investigation, despite the fact that the investigating agency has been able to trace the number used for sending the messages to one Satender Singh, who is a known of the Respondents No. 2-9.

11. That despite continued protection provided to the Petitioner and her family, the Respondents No. 2-9 did not desist from harassing them. That on 02.03.2018, on the occasion of Holi, when the Petitioner returned home alongwith her family at around 8.30 PM, Gaurav and other accused persons who were gather on the roof of Chander Shekhar started throwing shoes and slipped on the house of the Petitioner, and one also hit the Petitioner and her mother.



12. That thereafter, on 02.04.2018, the Respondents No. 2-9 through three unknown persons got the brother of the Petitioner, Ranjit beaten in order to pressurise the Petitioner and her family to withdraw their complaints. Therefore, FIR No. 176/18 u/s 323/341/34 IPC PS Nihal Vihar came to be registered on 03.04.2018. That the said FIR is still pending investigation.

13. That, similarly, the Petitioner alongwith her family members was leaving her house in their car on 06.04.2018 to take the brother of the Petitioner for his exam. At this time accused Gaurav, son of Respondent No. 6, alongwith other unknown people started circling the gali outside the house of the Petitioner and thereafter following them. They then struck the car of the Petitioner's family with their motorcycles and when questioned, started harassing and abusing the Petitioner and her family. Gaurav dragged the mother of the Petitioner and tore her clothes. That when, Ranjit, brother of Petitioner tried to intervene, and threatened him and said whether or not he remembered the incident of 02.04.2018. He further threatened the lives of the Petitioner and her family if they do not withdraw their cases. That PCR was immediately called by the family of the Petitioner. Thereafter, the concerned IO asked the parents of the petitioner to meet the SHO PS Ranhola on 09.04.2018, regarding the said incident. That when on 09.04.2018 the father of the Petitioner visited the PS Ranhola, the SHO asked the father of the Petitioner to give a fresh complaint by dropping name of all accused persons except that of Gaurav. That the mother of the Petitioner, Raj Kumari, filed a complaint dated 09.04.2018 and subsequently FIR No. 0346/2018 u/s 323/341/506/34 IPC Came to be registered in PS Ranhola on 29.04.2018 with respect to the incident dated 06.04.2018.

14. That even on 13.04.2018, the petitioner and her family were assaulted by accused persons, Pawan and



Chander Shekhar, Respondents No. 5 &6. In this manner, the Respondents No. 2-9 themselves, and through their relatives and friends made the peaceful living of the Petitioner and her family members impossible and created grave threat to the life, limb and property of the Petitioner.

15. That once again as a counter-blast, FIR No. 352/18 PS Ranhola was got registered by Gaurav, son of Chander Shekhar (Respondent No. 6) against father of Petitioner, Chander Pal Singh and his son Ranjeet Singh on 30.04.2018. It is pertinent to note, that though chargesheet has already been filed in the FIR No. 352/18 PS Ranhola against the father of the Petitioner, no investigation has been carried out in the prior FIR No. 346/18 against Gaurav and others.

16. That, thereafter, the Respondents No. 2-9 crossed all limits and on 01.05.2018. That the Respondents No. 2-9, alongwith their co-conspirators at around 11 pm in the night gathered outside the house of the Petitioner. That in a well planned conspiracy, Respondent No. 6 first broke both the CCTV Cameras installed at the gate of the Petitioner's house one by one, while the other accused persons, including Respondent No. 2-5 and 7-9 waited around the house, till the camera were broken. Infact the son of the Chander Shekhar, Gaurav, can also be partly seen in the footage before the CCTV was broken. Thereafter, they started hitting the doors of the house of the Petitioner and also hit her scooter. They attempted to throw bricks and stones into the house of the Petitioner and threatened her and her family members with dire consequences. The Petitioner and her family members immediately informed the police. Thereafter, on 02.05.2018, the Petitioner gave a complaint to the Police describing the incident and also providing the CCTV Footage but no action was taken by the police on the said complaint.



17. That a perusal of the CCTV footage reveals, that at about 11 PM accused persons gathered outside the house of the Petitioner. First, accused Chander Shekhar, Respondent No. 6, breaks one of the Cameras installed outside the house on the gate of the Petitioner with a stick, after which the footage goes blank. Thereafter, he tries to destroy the second camera installed outside the gate and though the camera comes loose and starts dangling, it continues to record and other accused persons can be partly seen outside the house of the Petitioner. Furthermore, the camera installed inside the house of the Petitioner clearly shows the Petitioner and her family members worries and agitated realizing that the Respondents have gathered outside their house with sticks and stones. Moreover, they can be seen calling on their phone, during which time they called the police officials a few times. It can also be seen that the Petitioner, her sister and mother try to stop the father of the Petitioner from going out to confront the private respondents, as they fear for his life. Subsequently the Petitioner and her family members open their main door at the arrival of police officer, after almost half an hour of them calling PGR. This clearly shows that the private respondents attempting to scare the Petitioner and her family members and further attempting to assault them by gathering outside the house and breaking off the CCTV camera so that their criminal acts are not recorded. Further, it points to the connivance with police officials who failed to reach the spot for 30 minutes despite calls from the Petitioner.

18. Therefore, the Petitioner was constrained to move an application for cancellation of bail before the Id. Trial Court in Case FIR No. 249/2015 PS Ranhola. That since the matter has been pending trial, the Petitioner now fears for her life.



19. That, interregnum, the Petitioner moved the DLSA, Patiala House Courts praying for protection and the Court of Ld. Sanjeev Jain, was pleased to provide the same to the Petitioner and her family vide orders dated 04.06.2018, 28.07.2018, 18.08.2018, 22.09.2018 and 25.10.2018. That the Protection is continuing vide order dated 31.01.2019.

20. That despite such protection, the police officials have failed to protect the life and liberty of the Petitioner and her family members and even on date, she has threat to her life. The accused persons are continuing to harass and pressurize the. Petitioner and her family members to resile from the cases filed against the Respondents No. 2-9 and the police officials are also part of the conspiracy.”

15. The petitioner submits further that the learned Trial Court on 29.01.2019 dismissed the prayer made by her seeking the cancellation of bail qua the respondents to the present petition observing to the effect:-

“.....

Vide application under consideration, it is stated by the complainant that she had apprehension of danger of life and property of herself and her family members as accused persons would go to any extent to pressurize her and her family members to withdraw all the cases filed against them. Therefore, bail granted to the accused persons should be cancelled. To substantiate the factum of her apprehension she stated the incidents Dated 01.05.18, 06.04.18, 13.04.18 and 2.03.18. She further filmed the CD containing CCTV footage dated 01.05.18, complaint dated 01.05.18, copy of FIR nom 176/18 dated 03.04.18, PS Nihal Vihar, complaint dated 06.04.18 (filed by her mother), complaint dated 19.04.18 (filed by mother of complainant) FIR no. 346/18 dated 29.04.18 PS Ranhola (registered on the complaint of the



mother), complaint dated 13.04.18 (filed by her mother), complaint dated 18.09.17 (filed by complainant).

Notice of this application alongwith copy of documents attached were already issued to SHO concerned and report upon the same has been received by this Court on 25.01.19. Vide this report it is submitted that number of cases have been registered between the parties and both the parties are in the habit of making complaints against each other and no such specific allegations are raised by the complaint from which threat perception can be inferred and all the allegations are vague in nature.

Now this Court has been given thoughtful consideration to the submissions made and the martial facts placed before this Court. Cancellation of bail involves a review of a decision already made and a bail once granted can be canceled if accused has attempted to temper or has tempered with the witnesses or there is reasonable apprehension that he has made interfere in the course of justice or accused continues or repeats the same offence while he is on bail.

It is stated by the complainant /prosecutrix that on 01.05.18, on hearing ear shattering sound, they woke up and found the accused was standing with danda and two CCTV cameras fixed at the gate of their house have been broken down. The CD having CCTV footage has been filed on record. It is pertinent to mention here that in present case total eight accused persons have been summoned and are being tried but in these paras, complainant has not specified the name of the accused and the averments are made writing word "accused" apparently inclusive of all. But on playing CCTV footage the person standing with the danda is stated to be accused Chander Shekhar. Therefore, on this ground no order qua remaining accused persons is called for. Further CCTV footage depicts that mischief has been played with the CCTV camera and police is also found



having arrived at the spot. These facts do not suggest that witness was intended to be tempered with or interference in the present proceedings is intended. Facts depicted maximum constituted a prima face offence for which complainant has separate remedy.

Therefore, bail cannot be cancelled on this very ground. It is also the case of prosecutrix that on 06.04.18 accused alongwith other man followed the mother of Prosecutrix and they tore her clothes and started slapping her and accused also grabbed the brother of. Prosecutrix and told him to withdraw all cases and caused him to recall the incident dated 02.04.18 regarding which FIR no. 176/18 PS Nihal Vihar was registered on 03.05.18. It is submitted that in regard to this incident a complaint dated 06.04.18 was filed and SHO PS Ranhola thereafter forced her father to write a fresh complaint back dated 06.04.18 and the complaint was registered Vide comp. No 1800664 dated 09.04.18 for which again a complaint was made by her on 19.04.18 and thereupon a FIR n 346/18 dated 29.04.18 was registered. Again in paras referring these facts, name of none of the accused in the present case had been specified. During the course of arguments it is admitted that all the complaints were made only against Gaurav who is son of Chander Shekhar(accused nom 5 herein) and FIR was also thereafter only registered against Gaurav who is not an accused herein. Therefore, merely because Gaurav is son of one of accused in the present case, the imputation cannot be assumed against any or all of the accused of the present case. It is also noticed that a different version of this incident is stated by Ld. counsel for accused and it is submitted that FIR no. 352/19 PS Ranhola was registered against the father and brother of complainant on the complaint of Gaurav who is son of one of the accused herein, i.e. Chander Shekhar. Copy of the Chargesheet filed in that case is placed on record today. These facts are not commented on behalf of



complainant. May it be so but these facts highlight that there are issues between the family members of complainant and son of Chander Shekhar which have no bearing on the present case and now version of family members of complainant is being given colour of apprehension of complainant. Therefore, the bail of the accused in the present case cannot be canceled.

It is also stated in application that on 13.04.18 accused Pawan started beating her father with danda and accused Chander Shekhar shouted that he will be killed if he would come out and regarding this incident, the prosecutrix and her mother made four PCR calls and therefore on the composing of her mother, incident was recorded as complaint no. 180694 at PS Ranhola. It is admitted case that no FIR regarding this incident has been registered. There is also no medical record to substantiate the facts stated herein. Parties are already reported to be habitual in nature in making complaint each other, hence this Court finds that there is no sufficient evidence qua this incident.

Lastly, prosecutrix has referred the incident dated 02.03.18 and stated that Gaurav and other accused had thrown Chappal and shoes from the terrace and shouted that all the cases be taken back or they would kill them. Again this incident is referring to Gaurav who is not accused in the present case and omnibus allegations against accused persons are not sufficient to deem the case as one where cancellation of bail may be directed.

Thus, in view of the above discussion, this Court finds that the application filed by complainant holds no merits and the cancellation of bail is not warranted. Hence, present application is dismissed.

Put up for PE on 22.05.19.”

16. The petitioner submits that despite it being noted in the impugned order dated 29.01.2019 of the learned Trial Court that the



accused Chander Shekhar against whom the applicant now seeks relief can be seen in the CCTV footage playing mischief with the camera, the trial Court does not hold it sufficient to amount to tampering with the witnesses and submits that the life and liberty of the petitioner and her family members is in imminent danger; that the respondent nos. 2 to 9 were actively and continuously engaging in criminal acts, with the specific motive to harass and put fear in the mind of the petitioner and her family members, in order to pressurize her to resile from her statements; that the CCTV footage completely supports the version of the petitioner herein which cannot be ignored; that adequate protection has not been provided by the police to the petitioner and her family members.

17. The petitioner is indicated to have assailed the order of the Trial Court and the prayer made by the petitioner seeking cancellation of bail of the accused persons named Ranjan Kumar Choudhary, Anjali Devi @ Priya, Pankej, Deepak, Pawan, Sushila, Chander Shekhar and Dhananjay Kumar as granted in FIR No.249/2015, PS Ranhola,- was declined by the Court of the learned ASJ, Special Judge, NDPS, West, THC, Delhi vide order dated 16.03.2019 observing to the effect:-

“.....

If accused have allegedly committed any offences against the complainant, they would face the consequences of the same as per law. In the considered opinion of this Court, bail is a rule and jail is an exception. In the entire given facts and circumstances of this case at this stage, this Court is prima facie of the considered view that no case is made out for cancelling bails of these accused at this stage qua this matter. Hence, I do not find any merits in this application at this



stage and it is hereby dismissed. Anything written here need not be treated to affect further proceedings of this case on merits. As prayed for, copy of this order be given dasti to Ld. Counsel for complainant as well as to State. One copy of this order be also sent to Ld. Area MM/Ld. Illaqa MM concerned for information.”

18. Vide order dated 12.07.2019 in the present petition, it was observed as under:-

“.....

Status report dated 13.05.2019 of the Station House Officer (SHO) of police station Ranhola confirms that an incident was reported on the night of 01.05.2018 by the petitioner, her statement having been covered by ASI Ramraj who had gone to the spot pursuant to DD no.56A. In the said statement, the petitioner concededly had lodged report that the respondent Chander Shekhar and his son Gaurav had intentionally broken the CCTV cameras installed at her house. The police treated it as a case sufficiently covered by the preventive action under Sections 107, 151 Cr. PC and proceeded accordingly.

The learned Additional Public Prosecutor for the respondent /State and counsel for the respondent (Chander Shekhar) fairly conceded that if the allegations are true, offences punishable in law prima facie were committed. There is no explanation as to why appropriate action envisaged in law was not taken.

The then SHO of police station Ranhola shall remain present in court on the next date with the present SHO so that their responses can be ascertained.

The sixth respondent (Chander Shekhar) shall also appear in person on the next date when the petitioner shall arrange requisite equipment so that the CCTV footage can be played and seen.

Be listed on 24.07.2019.”



19. Vide order dated 24.07.2019 in the present petition, it was observed as under:-

“Inspector Manmohan Singh, present Station House Officer (SHO) of police station Ranhola, Inspector Rajesh Kumar, who was the SHO at the relevant point of time and Inspector Satbir Singh who was posted as Inspector (Investigation) in the same police station during the relevant period are present in the court. While the previous SHO Inspector Rajesh Kumar states that he was on medical leave for two days during the relevant period and had thereafter been posted out, the report respecting incident of 01.05.2018 having been enquired into leading to proceedings under Sections 107, 151 Cr. PC being initiated under the signatures of Inspector (Investigation), all the said officers in unison state that they had no occasion to see the CCTV footage at all.

In these circumstances, it would be proper that the Assistant Commissioner of Police (ACP) of the Sub-Division is also called for assistance. The State shall send suitable instructions to him to remain present in the court on 02.08.2019. The above mentioned officers will also appear with the ACP. The viewing of the CCTV footage is presently deferred.”

20. Vide order dated 02.08.2019 in the present petition, it was observed as under:-

“Further status report filed by Assistant Commissioner of Police (ACP), who is present in person. He regrets the earlier inaction on the part of the local SHOs. The further status report submitted today indicates that FIR No. 429/2019 has been registered by police station Ranhola on 29.07.2019 respecting the incident that occurred on 01.05.2018 involving offences under Sections 427/509/506/34 IPC. By the said status report ACP has further confirmed that in the CCTV footage to



which reference was made in the previous proceedings, the sixth respondent Chander Shekhar is clearly seen to be involved. Since this report has come on record today and in view of the subsequent development of registration of FIR no. 429/2019, it is deemed fair and proper that sixth respondent Chander Shekhar is given another opportunity to respond to the prayer for cancellation of his bail.

The further response may be filed within one week.

Be listed on 6th September, 2019.

The sixth respondent shall remain present in person with counsel on the next date.”

21. The reply of the respondent no.6 to the petition seeking cancellation of bail was submitted and vide order dated 31.10.2019, it was observed as under:-

“The reply of the Respondent No.6 to the application made by the Petitioner seeking cancellation of bail granted to the Respondent No.6 is on the record. The status report of the State is also on the record. In reply to a specific court query, it is informed on behalf of the State that the charge sheet in relation to FIR No.249/2015 under Sections 323/354/506/34 of the IPG, 1860 PS Ranhola is to be filed. Learned counsel for the Petitioner submits that the testimony of the Petitioner is yet to be recorded corhpletely in FIR No. 249/2015 PS Ranhola.

The matter shall be taken up for consideration after submission of the copy of the charge sheet in relation to the FIR No.249/2015 under Sections 323/354/506/34 of the IPG, 1860 PS Ranhola by the State.

The Respondent No.6 shall ensure that there is no contact made with the Petitioner by the Respondent



No.6 and shall make no attempt to tamper with the evidence in any manner and shall also not leave the country.

Renotify on 12.12.2019.”

22. The interim directions dated 31.10.2019 in the present petition that the respondent no.6 (i.e. Mr. Chander Shekhar against whom the petitioner herein seeks relief) shall ensure that he shall make no contact with the petitioner and shall make no attempt to tamper with the evidence in any manner and shall also not leave the country are in existence.

23. The copy of the charge sheet in relation to FIR No.249/2015, PS Ranhola under Sections 323/354/506/34 of the Indian Penal Code, 1860 was submitted on record by the State. Taking into account the factum that the petition filed by the petitioner, has been filed pursuant to the incident of the date 01.05.2018 in which Chander Shekhar i.e. the respondent no.6 herein is stated to have broken one of the cameras installed outside the house of the gate of the petitioner with a stick with other persons along with the respondent no.6 having gathered outside the house of the petitioner herein with sticks and stones, coupled also with the factum that the petitioner seeks action of cancellation of bail only qua the respondent no.6 named Chander Shekhar and the factum that in relation to which as observed vide proceedings dated 02.08.2019 in the present petition, the FIR No.429/2019, PS Ranhola under Sections 427/509/34 of the Indian Penal Code, 1860 dated 29.07.2019 has already been registered, and in as much as, there is nothing placed on the record to indicate any



violation of the conditions imposed vide order dated 31.10.2019 against the respondent no.6 as imposed in the present petition, it is not considered appropriate to grant the prayer made by the petitioner seeking cancellation of bail of the respondent no.6 in relation to FIR No.249/2015, PS Ranhola, in as much as, qua the alleged offence committed on 01.05.2018, the FIR bearing no.429/2019, PS Ranhola under Sections 427/509/34 of the Indian Penal Code, 1860 has already been registered in relation to which, action as per law has essentially to be taken, and thus the prayer made by the petitioner seeking cancellation of bail of respondent no.6 is declined in relation to FIR No.249/2015, PS Ranhola under Sections 323/354/506/34 of the Indian Penal Code, 1860. However, the conditions imposed vide order dated 31.10.2019 in the present petition shall continue to operate against the respondent no.6, Chander Shekhar, S/o Lt Sh. Hardev Mehto during the pendency of the proceedings in relation to FIR No.249/2015, PS Ranhola under Sections 323/354/506/34 of the Indian Penal Code. Further, the respondent no.6 named Chander Shekhar shall make no contact with the petitioner herein and shall make no attempt to tamper with the evidence in any manner and shall not leave the country.

24. The petition and the accompanying application i.e. CRL.M.A. 9383/2019, are disposed of accordingly.

ANU MALHOTRA, J.

SEPTEMBER 09, 2022

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