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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6999/2022 & CRL.M.A. 27084/2022
STATE (GNCT OF DELHI) Petitioner
Through: Ms.Priyanka Dalal, APP with
SI Lalit Kumar, PS Sadar Bazar

versus

ROHIT JOSHI Respondent
Through: Mr.N.Hariharan, Sr.Adv. with
Mr.Pritam Bishwas, Mr.Hitesh
Kumar, Ms.Punya Rekha,
Mr.D.S.Khatana, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

21.03.2024

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1. This petition has been filed under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'), praying for cancellation/quashing of the anticipatory bail granted to the respondent in FIR no.338/2022 registered with Police Station: Sadar Bazar, Delhi under Sections 376/328/312/366/377/506/509 of the Indian Penal Code, 1860 (in short, 'IPC'), vide Orders dated 09.06.2022 and 23.09.2022 passed by the learned Additional Sessions Judge, Electricity Court-01, Central District, Tis Hazari Courts, New Delhi in Bail Matter no.1286/2022 titled *State v. Rohit Joshi*.
2. The learned APP submits that post the grant of the above bail to the respondent, complaints have been received of the respondent threatening the prosecutrix. She submits that, in this regard, an



FIR bearing No.217/2022 registered at Police Station: Shaheen Bagh, Delhi under Sections 195A/506/323/34 of the IPC has also been registered.

3. She further submits that another FIR, being FIR No.300/2022, was registered at Police Station: Ramganj, Jaipur City (North), Rajasthan, under Sections 323/341/504/34 of the IPC, on 13.07.2022.
4. She further submits that the respondent has not been cooperating with the investigation inasmuch as the respondent has not handed over his earlier mobile phone, which is a vital piece of evidence, nor has he provided the other relevant information to the Investigating Officer (IO).
5. The above allegations are disputed by the learned senior counsel for the respondent. He submits that in the FIR that has been registered at the Police Station: Ramganj, Jaipur, the investigation has been concluded and nothing incriminating has been found against the respondent. He submits that the same is the position with respect to the FIR at Police Station: Shaheen Bagh, Delhi. He submits that, in fact, the said FIR makes allegations against some unknown persons.
6. He further submits that as far as the earlier mobile phone is concerned, he has already informed the IO that the same has been discarded by the respondent much before the registration of the FIR. He submits that the participation in the investigation cannot mean writing of a confession by the respondent.
7. I have considered the submissions made by the learned counsels



for the parties.

8. It is relevant to note that a separate petition filed by the complainant seeking cancellation of the bail, being CRL.M.C. no.3286/2022, has been withdrawn by the complainant.
9. At this stage, I do not wish to make any specific comments on the nature of the allegations made in the FIR, as this may cause prejudice to one or the other party. For the present, it is suffice to state that no ground for cancellation of the bail at the present stage is made out.
10. The respondent has been on anticipatory bail for almost two years now and barring the above FIRs, which were registered also around more than a year and a half back, no further complaints have been made against the respondent.
11. The learned senior counsel for the respondent, drawing reference to the Order dated 20.10.2022 of the learned Trial Court, passed on an application seeking modification of the conditions of the bail, submits that therein, a statement of the IO has been recorded stating that investigation is already complete and since August, 2022, the respondent has not even been called for investigation.
12. In view of the above, I find no merit in the present petition. The same is, accordingly, dismissed. This shall, however, not prejudice the complainant or the State to move an appropriate application, if the need so arises in the future.
13. The learned counsel for the complainant submits that though the subject FIR is dated 09.05.2022, the investigation has still not been completed.



14. In view of the above, the police/IO is directed to complete the investigation and bring it to a logical end at the earliest.

NAVIN CHAWLA, J

MARCH 21, 2024

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Click here to check corrigendum, if any