



\$~71

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1623/2025**

OM PAL SINGH TOMARPetitioner
Through: Appearance not given

versus

THE STATE (GOVT OF NCT OF
DELHI) & ORS.Respondents
Through: Mr. Yasir Rauf Ansari,
ASC for the State

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
% **19.05.2025**

CRL.M.A. 15279/2025 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 1623/2025

3. The petitioner challenges the order dated 17.04.2025 (hereafter '**the impugned order**'), passed by the learned ACJM, North East District, Karkardooma Courts, whereby the application seeking judicial remand of the accused/ Respondent No.3 was rejected.

4. The petitioner claims that he has been harassed and subjected to threats and other illegal acts at the hands of Respondent No. 3 on multiple occasions. He had also been attacked by Respondent No. 3 and his family members which had initially led to registration of FIR No. 101/2018, registered at Police Station Sonia Vihar, for offences under Sections 308/354/323/341/506/34 of the Indian Penal Code, 1860 ('**IPC**'). Another FIR, being, FIR No. 216/2018, registered at Police



Station Sonia Vihar, for offence under Sections 302/34 of the IPC was registered against Respondent No. 3 in which the petitioner is a key witness.

5. It is claimed that the petitioner and his family members were again attacked by Respondent No. 3 which led to registration of FIR No. 194/2024, registered at Police Station Sonia Vihar, for offence under Sections 308/34 of the IPC.

6. It is alleged that sometime back, the petitioner was again attacked by Respondent No. 3 with the intention to kill him, which led to registration of FIR, being, FIR No. 144/2025, registered at Police Station Sonia Vihar, for offences under Sections 109(1)/232(1)/61(2)(a)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'). The Respondent No. 3 was arrested in the said FIR on 16.04.2025 and was produced before the learned Magistrate by the Police authorities on 17.04.2025.

7. The learned Trial Court, by the impugned order, rejected the application of the Police seeking judicial remand on the ground that Respondent No.3 was not produced before the Court within a period of 24 hours.

8. It is argued on behalf of the petitioner that the Police authorities are hand in gloves with Respondent No. 3, which led to Respondent No. 3 not being produced before the Court within 24 hours of his arrest.

9. The learned Trial Court passed the impugned order noting that Respondent No. 3 was arrested at around 11:30 AM on 16.04.2025 but was produced before the Court on 17.04.2025 at around 12:30 PM.

10. It is settled law that every person who is arrested should be produced before the nearest Magistrate within a period of 24 hours of such arrest, and in case of violation, the Court is duty



bound to direct release of the accused. In such circumstances, the learned Trial Court rightly did not accede to the request of the Police to send Respondent No. 3 in judicial custody. Thus, I find no infirmity in the impugned order.

11. The grievance of the petitioner appears to be his apprehension that some Officers in the Police are in collusion with Respondent No. 3, which has led to him not being produced in time before the Court. The petitioner also apprehends threat to his life and liberty because of a number of incidents which have taken place in the past.

12. The learned Trial Court, by the impugned order, while rejecting the application filed by the Police authorities seeking judicial remand, had also directed the concerned ACP to conduct an independent inquiry. A report was also called by the learned Trial Court from the concerned ACP.

13. Thus, the apprehension that some Officers in the Police are hand in glove with Respondent No. 3 has been taken care of by the learned Trial Court.

14. Any prayer for registration of an FIR under Sections 199/253/158 of Bharatiya Nyaya Sanhita, 2023 can only be looked into or considered after the report is filed by the concerned ACP.

15. Even otherwise, the petitioner is at liberty to file an appropriate application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 156(3) of the Code of Criminal Procedure, 1973) in that regard.

16. Thus, this Court does not consider it apposite to pass any order in the present petition at this stage.

17. The petitioner is at liberty to file appropriate proceedings at a subsequent stage in case any grievance remains. The



petitioner is also at liberty to approach the concerned Police authorities in case he apprehends any threat to his life and liberty and, for that purpose, the mobile number of the concerned SHO be provided to the petitioner.

18. The present petition is disposed of with the aforesaid liberties and direction to the concerned ACP to conduct the inquiry in a fair and impartial manner and to submit the report before the concerned Trial Court expeditiously.

AMIT MAHAJAN, J

MAY 19, 2025

“SS”