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

+ **W.P.(C) 10835/2023 and CM APPL. 41958/2023**

YASHWANT SINGH

.....Petitioner

Through: Mr. Pradeep Yadav, Adv (Thr. VC)

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: MR.Ruchir Mishrra ADV. MR.Sanjiv
Kr. Saxena Mr.Mukesh Kr Tiwari,
MS. Reba Jena Mishra and
Ms.Poonam Shukla, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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03.02.2026

1. A status report has been presented by learned counsel for respondent no.2. Let the same be furnished to learned counsel for the petitioner and be also placed in the digital record of the Court.

2. The petition is for the following reliefs:

“A. To award compensation to the petitioner on account of illegal detention of petitioner owing to article 21 violation of the constitution of India.

B. To direct the Respondent No.4 to initiate departmental action against the Investigation Officer and Station House Officer of Najafgarh police station .

C. Pass any such other order as may be deemed fit in the interest of justice.”

3. It is stated in the status report that there are two separate incidents of firing of weapon in the intervening night of 17.03.2023 and 18.03.2023.



Accordingly, two FIRs being FIR No. 118/2023 and No. 119/2023 have been registered against the petitioner. It is stated that the CCTV footage of the incident which had occurred on 17.03.2023 could not be preserved beyond 60 days. The petitioner approached this Court after expiry of the said period.

4. The status report further denies the allegations made in the petitioner and states as under:

“4. That the following facts are placed for the perusal of this Hon'ble Court:

(i) That on 18.03.2023 at approx. 12:49 AM one PCR call vide DD No. 06A was received relaying "RZ B-61 Block B, Maksoodabad Colony, Delhi Caller ne Batlaya Ki Humare Ghar Par Panch Log Jo Gadi No. 8306 Alto Colour Gray Me Aaye Aur Goli Chalai Hai Kisi Ko Nahi Lagi Hai Bhag Gaye Hai". The said was marked to ASI Narender for necessary action. On receipt thereof, ASI Narender met with the complainant Sh. Gaurav Rathore who alleged inter alia that the Petitioner along with one Aashu and Sanju came to the house of the complainant and Aashu fired in the air.

(ii) That on the same night, i.e. intervening night of 17.03.2023 and 18.03.2023, another PCR Call vide DD No. 18A was received around 03:07 AM stating "Caller ke ghar par ek ladka firing karke gaye hai aur Caller ladka ko janta hai." The same was marked to SI Ram Mehar for necessary action. During investigation, SI Ram Mehar met with the called Pramod Ram s/o Jethu Ram who was a Momos seller on handcart. He informed that at about 10:30 PM on 17.03.2023 when he as going home, Aashu and Sanju came to his handcart and Sanju slapped that nephew of the complainant and the things lying on the handcart were thrown by Sanju and bricks were pelted on the complainant, which hit his hand. Thereafter at about 03:00 am Aashu, Sanju and one unknown boy (who was subsequently identified as the Petitioner by Sanjay @ Sanju) came to the house of the complainant on bike and fired in the air at the door of the complainant.

(iii) That based on the identification by the complainant, on the morning of 18.03.2023 around 8:30 am, ASI Narender reached the house of the Petitioner and met inter alia with the father (retired ASI of Delhi Police) of the Petitioner and the Petitioner. It was requested that the Petitioner accompany ASI Narender for inquiry to the police station. Thereafter the Petitioner willingly came to the police station and, after some questioning,



was relieved in the afternoon. Thereafter, the IO carried out further investigation in relation to the allegations made by the complainant.

(iv) That after investigation and verification of facts and in view of the above two incidents of firing of weapon, two separate FIRs being FIR No. 118/2023 dated 18.03.2023 u/s 336/504/34 of the IPC 1860 r/w S. 27 of the Arms Act, 1959 and FIR No. 119/2023 dated 18.03.2023 u/s 336/504/34 of the IPC 1860 r/w S. 27 of the Arms Act, 1959 were registered. Needless to say, the Petitioner was separately identified in the first FIR, i.e. by the complainant himself in FIR No. 118/2023.

RESPONSE TO AVERMENTS OF ALLEGED ILLEGAL DETENTION

(v) That it is categorically denied that the Petitioner was illegally detained in contravention of Article 22 of the Constitution of India. In this regard, it is submitted that the Petitioner was arrested in relation to FIR No. 118/2023 pursuant to arrest memo dated 20.03.2023 at 7:35 AM.

(vi) That in this regard, it is further submitted that after the registration of the said FIRs, during further investigation it was found out that the Petitioner was not at home. A search for the Petitioner was initiated and he was traced near Ghasipura drain and was taken to police station at about 11 PM on 19.03.2023.

(vii) That however, upon being brought to the police station on the night of 19.03.2023, the Petitioner started behaving in a rowdy manner with the police officials and as an act of blackmail, threatened to hurt himself if the police officers did not immediately drop investigation in the matter and let him go.

(viii) That to make good his threats, the Petitioner, on the pretext of going to the toilet, came back and hit his own head against the wall, causing injury on his forehead. Accordingly, the police officers rushed him for medical attention to Rao Tula Ram Memorial Hospital, Jaffarpur, New Delhi 110073. During medical examination, the Petitioner himself told the attending doctor that his forehead wound was self-inflicted. The said fact is also stated in the medical report signed by Dr. Chandan Kumar, Senior Resident, Department of Casualty, RTRM Hospital. A perusal of the vital parameters of the Petitioner also show they were completely normal, and that the patient was cooperative and well oriented, which would not be the case if someone had been tortured or beaten up. True copy of the medical report dated 20.03.2023 at 01:35 AM is enclosed as Annexure R-3.

(ix) That in view thereof the concerned officers immediately made an entry of the Petitioner's behaviour in the general diary vide DD Entry No. 14A dated 20.03.2023 at 03:37 AM and recorded independent witness



statements. True copy of the DD entry No. 14A is enclosed herewith as Annexure R-4.

(x) That after discharge from the hospital, and in view of his conduct, the Petitioner was arrested on 20.03.2023 at 7:35 AM,. The Petitioner was duly produced before the Ld. Metropolitan Magistrate on 20.03.2023, and the Ld. Metropolitan Magistrate was pleased to grant 01 day police custody, alongwith direction to produce the Petitioner on 21.03.2023. True copy of the order dated 20.03.2022 passed by the Ld. MM, South West, Dwarka District Court is enclosed as Annexure R-5.

(xi) That furthermore, the falsity of the Petitioner's case is exposed by his own bail application in FIR No. 118/2023 and anticipatory bail applications filed in the abovesaid FIR No. 119/2023, which do not even contain a whisper about any alleged illegal detention. Not only the bail application under FIR No. 118/2023 is silent, it is submitted that not even the two applications for anticipatory bail dated 06.04.2023 and 06.07.2023 filed in relation to FIR No. 119/2023 make any mention of any alleged illegal detention meted out to the Petitioner. In this regard, reliance is placed on the following documents:

- a) Bail application dated 21.03.2023 which was disposed off vide order dated 22.03.2023 by the Ld. Link MM, South West, Dwarka District Court. True copy of the bail application is enclosed as Annexure R-6.
- b) 1st Anticipatory bail application filed in FIR No. 119/2023, enclosed herewith as Annexure R-7
- c) 2nd Anticipatory bail application filed in FIR No. 119/2023, enclosed herewith as Annexure R-8.

That it is pertinent to mention that both the abovesaid anticipatory bail applications in FIR No. 119/2023 were rejected by the Ld. Metropolitan Magistrate. The Petitioner has thereafter approached this Hon'ble Court vide Bail Application No. 2658/2023.

(xii) That it is pertinent to mention that the father of the Petitioner is a retired police officer, retired from rank of ASI, and who resides with the Petitioner. That the Petitioner also has a real brother, one Jaswant, who was present before the Ld. Metropolitan Magistrate on 20.03.2023. It is submitted that nobody raised any alleged issue of illegal detention on the said date. It belies any logic that if the Petitioner were to be kept in any alleged illegal detention, that his family members would not have raised any concerns. In fact, admittedly, no such complaint has also been filed either by the Petitioner, or any other family member, before any of the superior officers or any other forum.

RESPONSE TO ALLEGATIONS OF PHYSICAL TORTURE ALLEGEDLY



RESULTING IN HEAD INJURY TO THE PETITIONER

(xiii) That the Petitioner has falsely claimed that he was physically tortured/beaten up in police custody. It is reiterated that it was the Petitioner himself who had self inflicted the wound on his head by hitting his own head against the wall. This fact was also confirmed by the Petitioner himself in his medical examination to the attending doctor at RTRM Hospital, Jaffarpur.

(xiv) That furthermore, as aforestated, the Petitioner was produced before the Ld. Metropolitan Magistrate, South West, Dwarka District Court on 20.03.2023. During his production before the Ld. MM, the injuries sustained by the Petitioner were inquired into by the Ld. Court, and the Petitioner confirmed that the injuries were self inflicted. This fact is also duly recorded in the order sheet dated 20.03.2023. The Ld. MM noted the same, and thereafter remanded the Petitioner to 01 day Police Custody. The relevant part of the order dated 20.03.2023 is reproduced below for reference:

"1. Accused Yashwant @ Kale produced after fresh arrest. Arrest memo and MLC perused. The accused has sustained minor injuries which the medical opinion states is self inflicted. The accused confirms the same when asked by this court.

2. Now, the SI Gurtej is moved an application for grant of police custody of 01 day of the accused.

3. In view of the fact that the police interrogation is an integral part of the police investigation, for recovery of case property and arrest of co-accused, therefore, application of SI Gurtej is allowed and he is granted 01 day Police Custody of the accused Yashwant @ Kale. ""

5. The alleged illegal detention has also been dealt with in detail. The petitioner was arrested pursuant to FIR No. 118/2023 by arrest memo dated 20.03.2023 at 7.35 AM. Various instances have been indicated to state that the petitioner created obstacle in his arrest. In order to avoid arrest, on the pretext of going to the toilet, he came back and hit his own head against the wall, causing injury on his forehead. He, however, was taken to hospital and during medical examination, he himself told the attending Doctor that his



forehead wound was self-inflicted. He was also produced before the Magistrate on 20.03.2023, whereas, he did not express any grievance against the officials or about the alleged incident. There seems to be bail applications pertaining to both the FIRs. Even those bail applications do not whisper about the aforesaid incident. As of now, the petitioner is on bail.

6. Looking at the nature of the background explained in the status report, the Court cannot accede to the prayer for award of compensation to the petitioner in absence of their being sufficient proof produced by the petitioner. The detention of the petitioner cannot be said to be illegal. The detention was with respect to the FIR registered against him.

7. Accordingly, the petition, along with pending application, stands dismissed.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 3, 2026

aks/ap