

पवन कुमार मट्टू
Praveez Alam vs. State
North-Western District Court
Karkardoli, Delhi

BAIL MATTER No. 1531/2022
State v. Parvez Alam
FIR NO. 558 /2021
PS Bhajan Pura
U/s: 354/354-A/498-A/323/406/506/509
377/376 of IPC

10.01.2023

Present: Sh. Akbar Siddiqui, Ld. Counsel for the applicant/accused Parvez Alam.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Deputed IO/SI Shalini.
Prosecutrix in preson.

1 The matter is fixed for hearing arguments on the application for grant of anticipatory bail filed by the applicant/accused Parvez Alam.

2. Deputed IO has filed reply to this application and copy thereof has been supplied to the ld. Counsel for this applicant/accused.

3. I have heard the ld. Counsels for the parties.

4. The learned Counsel for this applicant/accused has submitted that the applicant/accused has been falsely implicated in the present case and he has nothing to do with the offences alleged to have been committed by him. He has further submitted that chargesheet has already been filed in the court of learned Metropolitan Magistrate that too without arrest to this applicant/accused. He has also submitted that this applicant/accused will abide by all the terms and conditions,



which may be imposed by this court and prayed for grant of anticipatory bail.

4. On the other hand, the learned Additional Public Prosecutor for the State has admitted that chargesheet has already been filed in the court of learned Metropolitan Magistrate that too without arrest to this applicant/accused, so, he has no objection for grant of anticipatory bail.

5. Prosecutrix has opposed the present application for grant of anticipatory bail and prayed for dismissal of this application.

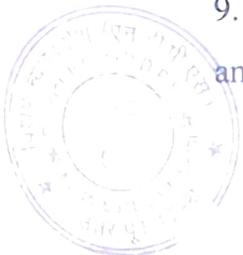
6. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

6. The perusal of the reply to this application reveals that the deputed IO Shalini has vehemently opposed the present application for grant of anticipatory bail. Since, in the case in hand, the chargesheet has already been filed in the court of learned Metropolitan Magistrate that too without arrest to this applicant/accused and perusal of the reply reveals that in the reply the deputed IO Shalini has vehemently opposed the present application for grant of anticipatory bail. When this court has asked to the deputed IO/SI Shalini as to why it is mentioned in the reply that this application is vehemently opposed, if the charge sheet has been filed without arresting this accused, then, and deputed IO/SI Shalini has told that she is deputed IO and IO of the present case is on long leave. This reply is also forwarded by the

SHO PS Bhajanpura. For the best reasons known to the Delhi Police, the Police is taking contradictory stand as on the one side, the chargesheet has already been filed in the court of learned Metropolitan Magistrate that too without arrest to this applicant/accused and on the other hand, when this applicant/accused approached to this court for getting relief of anticipatory bail U/sec. 438 of Cr.P.C., this application is opposed, so, the conduct of this deputed IO SI Shalini and SHO of PS Bhajan Pura appears to be irresponsible.

Since, in the case in hand, the chargesheet has already been filed in the court of learned Metropolitan Magistrate that too without arrest to this applicant/accused U/sec.354/354-A/498-A/323/406/506/509 377/376 of IPC. As per the law laid down in the case of "*Court of its motion Vs.CBI, 109(2003)DLT 494*,so, this applicant/accused, **Parvez Alam** is ordered to be released on bail on putting up of his appearance in the court of Ld. MM/Duty MM/Link MM and on furnishing of personal bond in a sum of Rs.20,000/- with one surety of the like amount to the satisfaction of Ld. MM/Duty MM/Link MM and subject to all the terms and conditions contained in Sec. 438 (2) of CrPC and this applicant/accused is directed not to tamper with the prosecution evidence and to not leave the country without permission of the court concerned.

9. In the abovesaid terms, this application for grant of anticipatory bail filed by the applicant/accused stands allowed.



10. Copy of order be supplied to the parties dasti.
11. Attested copy of this order be sent to Commissioner of Police(Delhi) to do some needful to improve the performance of this deputed IO SI Shalini and also of the SHO PS Bhajan Pura.



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(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/10.01.2023

विशेष न्यायाधीश (एन डी पी एस)
Special Judge (N D P S)
अतिरिक्त सत्र न्यायाधीश
Additional Sessions Judge
उत्तर पूर्व कर्कडूमा न्यायालय दिल्ली
North-East, Karkardooma Courts Delhi