

Bail Application No. 1172/2022, 1173/2022, 1174/2022, 1175/2022, 1176/2022, 1177/2022, 1178/2022 and 1179/2022

State V. (1)(Imteyaz) (2) Noor Alam (3) Shiekh Hamid (4) Ahmad Ali (5) Sheikh Hamid (6) S.K. Sahahada (7) Sheikh Zakir and (8) Ahir

FIR No. 440/2022

PS Jahangir Puri

Under Section 109/147/148/149/186/307/323/332/353/427/436/ IPC & 25/27 of Arms Act.

07.05.2022

Present: Sh.Maqsood Ahmed, Ld. Chief P.P for the State
Sh. K. Prabhakara Rao, Ld. Counsel for the applicants/accused persons
I.O/Inspector P.K. Paliwal with case file.

Arguments heard on the application under Section 439 Cr.P.C for grant of regular bail to accused-applicant.

It is pleaded on behalf of the applicant that the accused persons/applicants have been falsely implicated in the present case and have been lying in Judicial Custody since 17.04.2022. The accused persons/applicants belong to labour class and earning their livelihood with manual hard work. They were not even present at the spot on the date of incident. They were at their respective home. The prosecution has no evidence to prove that they were at the place of alleged incident or directly or indirectly involved in the alleged offence. It is further pleaded on behalf of the accused/applicant that the investigation qua the accused persons/applicants in the matter has already been completed and they are no longer required for purpose of investigation. They are the sole bread earners of the family. Hence, prayer is made for grant of regular bail to the accused persons/applicants.

Per contra, Ld. Chief P.P for the State has vehemently opposed the bail application stating that as per the reply filed by the IO, the present FIR was registered on the statement of Inspector Rajiv Ranjan who stated that on 16.04.2022 he alongwith other staff were deployed for security arrangement in the area of Jahangir Puri with a procession on the eve of Hanuman Jayanti. As the procession was going peacefully and had reached near C

Block Jama Masjid at about 6:00 p.m, one person namely Ansar alongwith his associates came and started arguing with members of procession which resulted in stampede and stone-pelting. The police tried to control the situation and disperse the crowd by resorting to tear shells and firing in the air. Rioters caused injuries to 8 police personnel including SI Meda Lal who sustained bullet injury in his left forearm. The rioters damaged the vehicles and set on fire a scooty. Later on, the investigation of the case was transferred to Crime Branch. During the investigation, around 30 persons were arrested and three CCLs were apprehended. On the basis of CCTV footage and statement of eye-witnesses, accused persons/applicants was arrested on 17.04.2022. The other witnesses are being motivated to come forward to give their version, but they are not coming forward as the accused/applicant and other culprits are known criminals in the area. The investigation of the case is still going and chargesheet is yet to be filed.

It is further submitted by Ld. Chief PP for the State that on the day of incident, three processions were carried out in the area of Jahangir Puri celebrating the Hanuman Jayanti. The last procession was though not having any permission and while the said procession was passing through, the unfortunate riots between two communities took place. The investigation is still at initial stage and witnesses are regularly receiving threats .

Heard and considered.

The accused persons/applicants herein have been identified on the basis of CCTV footage recorded on the day of incident and has also been identified by eye-witnesses. The statements of eye witnesses have been recorded u/s 161 CrPC .The material investigation in the present case is still underway and several offenders who were involved in the said unfortunate riots are yet to be apprehended. **The apprehension has been expressed by the prosecution that the public witnesses will not come forward as the rioters are known criminal of the area. Therefore, the apprehension of threatening/influencing the witnesses cannot be ruled at this stage, if the accused/applicant is enlarged on bail at this stage. The chargesheet is yet to be filed. The allegations are serious against the accused/applicant.**

In view of the above facts and circumstances of the case, **I am of the considered view that no ground is made out for grant of bail to accused**

persons/applicants. Therefore, the applications moved on behalf of the accused persons/applicants stand dismissed.

Before parting with, at this stage, sequence of events which took place on the occasion of Hanuman Jayanti i.e on 16.04.02022 in the area of Jaahngirpuri and the role of the local administration in preventing any untoward incident and maintaining law and order situation or their complicity needs to be seen .

It is fairly admitted by on behalf of the State that the last procession which was passing through during which the unfortunate riots took place was illegal having no prior permission from police . *If that was the situation , then the contents of the FIR itself, show that the local staff of police station Jahangir Puri, led by Inspector Rajiv Ranjan as well as other officials from DCP reserve were accompanying the said illegal procession on its route instead of stopping it . It appears that local police instead of performing their duty in stopping the said illegal procession in the beginning itself and dispersing the crowd , was accompanying them to the entire route which later on led to unfortunate riots between the two communities.*

It prima facie reflects the utter failure on the part of local police in stopping the said procession having no permission .The issue seems to have been simply brushed aside by the senior officers. The liability on the part of the concerned officials needs to be fixed so that in future no such incident takes place and the police is not complacent in preventing the illegal activities . Their complicity , if any, also needs to be investigated

A copy of this order be sent to the Worthy Commissioner of Police for information and remedial compliance.

(Gagandeep Singh)
ASJ/Spl. Judge (NDPS):
North, Rohini Courts, Delhi
07.05.2022