

**Bail Application**  
**SC No.122/24**  
**State Vs. Harsh @ Arshi**  
**FIR No.465/23**  
**PS : Budh Vihar**  
**U/s.436/34 IPC**

**08.04.2024**

Present: Sh. Sanjay Jindal, Ld. Addl. Public Prosecutor for  
the State.  
Sh. Kashmir Singh, Ld. Counsel for the applicant /  
accused.

1. **This application U/s.439 Cr.P.C. has been moved seeking regular bail of applicant / accused Harsh @ Arshi.**
2. Ld. counsel for the applicant submits that no such application is pending before any other Court.
3. Reply filed. Copy supplied.
4. Arguments heard. Record perused.
5. Ld. Counsel for the applicant has claimed false implication and has pointed out that IO did not conduct a fair investigation and failed to seize the CCTV footage of the camera installed near the place of incident. IO has clarified that all the CCTV cameras were damaged and no footage could, therefore, be retrieved. Ld. Counsel for the applicant / accused has further filed previous involvement record of the complainant. In this regard, it can be said that whatever may be criminal history of the complainant, that cannot be a justification for anyone to burn down her house. Even otherwise, aforesaid facts and defences pleaded on behalf

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of the applicant are matter of trial and cannot be taken into consideration at the time of hearing of bail.

6. Moreover, earlier a case FIR No.463/23, u/s.326/324/341/34 IPC was registered at PS Budh Vihar. In that case, applicant / accused and his associates had injured son of the complainant, namely Piyush and her daughter Asha. At the time of that incident, applicant / accused and his associates had threatened the injured to face the consequences. The matter was reported to the police. After registration of aforesaid FIR, applicant / accused and his associates got riled up and burnt the household articles of the house of complainant. Complainant, who was present in the Court, had stated that they are still receiving the threats from the associates of the applicant / accused.
7. Furthermore, the report filed by the IO shows that the applicant / accused is a repeated offender, against whom about 25 cases for the heinous offences have already been registered. He is BC of the area.
8. Considering the previous conduct of the applicant / accused, his release at this stage shall not be in the interest of safety of the witnesses. Accordingly, no ground is made out to release the applicant / accused. The application is dismissed.

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9. The application stands disposed of accordingly.

**BABRU BHAN**  
**ADDL.SESIONS JUDGE-03,**  
**NORTH WEST DISTT,**  
**ROHINI COURTS**  
**DELHI/08.04.2024**