

Bail Matters 4057/2023
STATE Vs. VIRENDER SINGH
FIR No. 227 /2018
PS- (Pul Prahlad Pur)

22.12.2023

Present application is being taken up in terms of order no 174 dated 18.11.2023 passed by Ld. Principal District and Sessions Judge, SED, Saket Courts, (Roster)

Present : Sh. Wasi-Ur-Rahman, Ld. Addl. PP for the State.
Sh. Rahul Raj Verma, Ld. Counsel for applicant/accused.
IO/SI Suresh Chand in person.

ORDER ON ANTICIPATORY BAIL APPLICATION

1 Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant/accused Virender Singh. Arguments were heard in extenso, the gist whereof is discussed hereunder.

2 Ld. Counsel for accused submitted that the accused has been falsely implicated in the present matter as he has nothing to do with alleged incident. It was further submitted that the name of the applicant/accused is not mentioned in the FIR. It was further submitted that the applicant/accused belongs to a decent family and has never been involved in any criminal offence. It was further submitted that the amount reflected pertains to the year of 2014 and not to the year of 2017. It was further contended that the accused is ready to join the investigation as required by IO. It was further submitted that no fruitful purpose would be served by keeping him inside the jail as no custodial interrogation is required. Thus, accused

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ought to be granted anticipatory bail.

3 Per contra, Ld. Addl PP for State alongwith the IO opposed the bail application citing the gravity of offence as one of the main grounds. It was further submitted that accused was present at the spot at the time inducement was offered. It was further submitted that the accused has never joined investigation of this case, despite being served with the notices u/s 41A Cr.P.C. on three dates i.e. on 25.08.2023, 02.09.2023 and 18.10.2023. It was further submitted that nonailable warrants were issued against accused on 04.11.2023. It was also submitted that accused has two previous involvements in criminal offences i.e. FIR No. 155/2020 PS Ecotec and FIR No. 302/2020, PS Noida, Sector 49, District Gautam Buddh Nagar. Thus, accused ought not to be granted anticipatory bail.

4 Submissions heard.

5 During the course of arguments, it was brought to the fore that despite being served with notices three time, u/s 41A Cr.PC accused did not join the investigation. It was also brought to the fore that accused has previous two involvements in another offences of criminal nature i.e. FIR No. 155/2020 PS Ecotec and FIR No. 302/2020, PS Noida, Sector 49, District Gautam Buddh Nagar. It is thus apparent that the accused has not mended his recalcitrant ways. Therefore, the accused does not deserve any leniency as there is every apprehension of him being involved in commission of similar offence again.

6 Under these circumstances, taking into the account the gravity of the offence, the role attributed to the accused herein, the fact that

accused has not joined the investigation despite being served with notice u/s 41 A Cr.P.C. and further accused has previous involvement in criminal offences, this Court is of the opinion that anticipatory bail ought not to be granted to the accused Virender Singh at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

7 Needless to say, the above-mentioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed of.

Order be given dasti.

**(ARUL VARMA)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /22.12.2023**