

Bail Application No.2517/21  
FIR No. 710/2021  
P.S. Burari  
U/s 420/467/468/471/380/448/34 IPC  
State Vs. Somwati Kaushik

28.09.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Somwati Kaushik under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. S.A. Rajput, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on 04.10.2021.

Copy of the order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/28.09.2021

Bail Application No.2518/21  
FIR No. 176/2016  
P.S. Burari  
U/s 380/448/420/468/471/120B/34 IPC  
State Vs. Kishan Verma

28.09.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Kishan Verma for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. S.K. Gandhi, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on 05.10.2021.

Copy of the order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/28.09.2021

Bail Application No.2519/21  
FIR No. 493/2021  
P.S. Subzi Mandi  
U/s 392/394/34 IPC  
State Vs. Pankaj

28.09.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Pankaj under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Yashpal Bharti, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on 04.10.2021.

Copy of the order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/28.09.2021

Bail Application No.2520/21  
FIR No. 493/2021  
P.S. Gulabi Bagh  
U/s 186/353/332/34 IPC  
State Vs. Rohit Kumar

28.09.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Rohit Kumar under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. Ramesh Kumar, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on 01.10.2021.

Copy of the order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/28.09.2021

Bail Application No.2459/21  
FIR No. 683/21  
P.S. Wazirabad  
U/s 308/147/148/149/323 IPC  
State Vs. Adresh @ Idrish

28.09.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Adresh @ Idrish under HPC guidelines for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. S.S.Malik, Ld. Counsel for applicant through VC.

Report has been received from the Jail Superintendent, Tihar qua nominal roll, period of custody and jail conduct.

At this juncture, ld. Counsel for applicant seeks adjournment stating he would be filing some relevant judgments in support of his contention. At request, matter is hereby adjourned for arguments on 07.10.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/28.09.2021

Bail Application No.2475/21  
FIR No. 683/21  
P.S. Wazirabad  
U/s 308/147/148/149/323 IPC  
State Vs. Farooqui

28.09.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Farooqui under HPC guidelines for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.  
Sh. S.S.Malik, Ld. Counsel for applicant through VC.

Report has been received from the Jail Superintendent, Tihar qua nominal roll, period of custody and jail conduct.

At this juncture, ld. Counsel for applicant seeks adjournment stating he would be filing some relevant judgments in support of his contention. At request, matter is hereby adjourned for arguments on 07.10.2021.

Copy of this order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/28.09.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

BAIL APPLICATION NO. 2471/21  
FIR NO. 86/2021  
U/S 308/394/395/34 IPC  
P.S. Subzi Mandi  
State Vs. Anupam Pandey

28.09.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Anupam Pandey for grant of regular bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.  
Sh. Sanjay Kumar, Ld. Counsel for applicant through VC.  
Complaints Sh. Dev Prakash Chaudhary, Sh. Bhupender and Sh. Devender Singh are present through VC.  
IO ASI Rakesh Kumar through VC.  
Reply of the IO has been received.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail

application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant /accused submitted that applicant has been falsely implicated in the present case by the police at the instance of complainants. He further submitted that applicant is in J/C since 20.02.2021. He further submitted that applicant has nothing to do with the alleged incident. He further submitted that application is having old aged mother of 60 years who is suffering from various old age ailments and he is the only bread winner in the family. He further submitted that investigation in the present case has been complete and charge sheet has already been filed. Lastly he submitted that applicant has clean antecedents, and thus he ought to be granted bail.
3. Per *contra*, Ld Addl. PP for the State has vehemently opposed the application. It has been submitted that serious allegations have been leveled against the accused. It has been submitted that co-accused are absconding.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainants, who are lawyers by profession, that on 19.02.2021, six persons including the accused herein committed robbery upon them after beating them with rods, and also assaulting them with the help of



a knife. Further, a total amount of Rs. 20,700/- was robbed by the assailants. The MLC of injured Bhupedner and Dev Prakash Chaudhary reflected that the injury was simple in nature, whereas the MLC of Devender reflected that it was a grievous one.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that the offence has been committed against certain advocates, who are also officers of the Court. The said advocates/complainants have expressed their no objection if the accused is granted bail. Further, charge-sheet in the present matter has already been filed. Accused is in JC since 20.02.2021.
6. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the applicant in custody any longer. Accordingly, the accused Anupam Pandey is admitted on bail on furnishing bail bond and surety bond of Rs. 10,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:
  - i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
  - ii. He shall not hamper the trial or investigation in any manner.
  - iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the

IO/Court.

iv. He shall join the investigation/attend trial without default.

7. Needless to say, the abovementioned 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 bail application stands disposed off.

8. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.09.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail application No.4374/21  
FIR NO. 251/2021  
U/s 408/34 IPC  
P.S. Bara Hindu Rao  
State vs Krishan Kumar @ Anshu

28.09.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

**This is an application under Section 439 Cr. P.C., moved for applicant Krishan Kumar @ Anshu for grant of regular bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.

Sh. Durgesh Kumar Dwivedi, Ld. Counsel for applicant through VC.

Reply of IO received.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused has submitted that accused herein is a young man aged about 23 years and has no previous involvement in any criminal case. He further submitted that

accused is in J/C since 23.08.2021. It was submitted by Ld. Counsel for applicant that offence alleged against the applicant is punishable with imprisonment for less than 7 years. Further, it was contended that perusal of FIR would make it explicit that the commission of offence seems implausible in as much as offence took place between 10 a.m., to 11 a.m., which as per which accused, are working hour for shops/godowns. He further submitted that co-accused Manoj Pal has already been granted anticipatory bail by this Court vide order dated 16.09.2021, and thus applicant/accused ought to be granted bail on the parity ground.

3. *Per contra*, Ld Addl. PP for the State, assisted by IO vehemently opposed the present anticipatory bail application. It has been submitted that accused was seen in the CCTV footage alongwith two other accused persons, and no stolen articles has been recovered. Thus, accused ought not to be granted bail.
4. Submissions heard.
5. A perusal of record would reveal that offence has been allegely committed between 10 a.m., to 11 a.m., that during the working hours of the market. During the course of arguments, it was submitted by the IO that accused opened the godown with the key and took away the material. However, keeping in mind the young age of the applicant and taking into account that he has not been previously involved in any criminal case. Co-accused Manoj Pal

has already been granted anticipatory bail, thus ground of parity are made out. Significantly, it was brought to the fore that the applicant is a young, 23 years old man, and this Court cannot overlook this fact, coupled with the factum of previous clean antecedents of the applicant.

6. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the applicant in custody any longer. Accordingly, the accused Krishan Kumar @ Anshu is admitted on bail on furnishing bail bond and surety bond of Rs. 10,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:
  - i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
  - ii. He shall not hamper the trial or investigation in any manner.
  - iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
  - iv. He shall join the investigation/attend trial without default.
7. Needless to say, the abovementioned 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 bail application stands disposed off.

8. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.09.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2444/21  
FIR No. 541/2021  
U/s 306/34 IPC  
P.S. Burari  
State Vs. Ayush Panwar @ Nitin

28.09.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

**Present application u/s 439 Cr.P.C. has been moved on behalf of applicant Ayush Panwar @ Nitin for grant of regular bail.**

Present: Sh. Balbir Singh, Ld. Addl. PP for State.

IO/SI Sh. Pushpender in person.

Sh. Manoj Bararia, Ld. Counsel for accused.

Sh. Pranay Trivedi, Ld. Counsel for complainant.

Ld. Counsel for complainant has placed on record various documents including complaints, photographs and application seeking directions to IO to file status report.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application under Section 439 Cr.P.C., filed on behalf of the accused/applicant Ayush Panwar @ Nitin. Arguments heard *in extenso*, the gist whereof

is discussed hereunder.

2. Ld. Counsel for the accused submitted that accused is in JC since long, and that the accused has not played any active role in the commission of the offence. It has been submitted that there are no allegations to infer that there was any abetment or instigation by the accused. Ld. Counsel has placed reliance on two Judgments viz. *Velladurai Vs. State* represented by the *Inspector of Police, Criminal Appeal No. 953 of 2021 dated 14.09.2021* and *Pallem Deniel Victor @ Victor Hanter and Ors. Vs. State of A.P, in Criminal Miscellaneous Petition No. 2687 of 1996 decided on 12.11.1996 by Hon'ble Andhra Pradesh High Court (DB)* to contend that in the absence of any instigation or abetment, the accused cannot be held liable. Ld. Counsel also submitted that there has been a delay of 18 days in registering the FIR, and this fact raises doubts on the prosecution's version. It was also submitted that accused has joined the investigation prior to arrest, and would continue to cooperate with the investigation agencies. It was also submitted that the accused has clean antecedents, and no purpose would be served in detaining him any further. Lastly, it was submitted that there was no previous complaint against the accused by the parents of the deceased or by the deceased herself. Thus, it was contended that accused ought to be granted bail.

3. *Per contra*, Ld. APP for the State and the IO have vehemently



opposed the application as per law. It was contended that the last Whatsapp message sent by the victim clearly implicates accused Ayush herein. It was also contended that the delay in FIR was on account of lapses by the investigating authorities, and the complainant ought not to be penalised for the same. It was contended that the complaint was filed immediately on the day of the commission of the offence. It was also submitted by Ld. Counsel for the complainant/father of the deceased that the FIR was lodged belatedly by the police authorities, and that they were made to run from pillar to post for getting the case registered. It was also contended that the victim was not suffering from any mental illness, and it was the acts of the accused and his accomplices that drove the victim to take such a drastic step.

4. Before advertng to the rival contentions, the facts of the case are succinctly recapitulated as follows: Briefly stated that on 25.06.2021, a missing report vide DD No. 17-A was registered in respect of missing girl Himanshi Gandhi D/o Labesh Gandhi R/o H.No.16, Gali No. 22, A-2, West Sant Nagar, Burari, Delhi. Efforts were made to trace the missing girl and at around 11:00 AM on 25.06.2021, dead body of missing girl was recovered from Yamuna River from the Civil Line area. Thereafter, proceeding u/s 174 Cr. P.C. was initiated and post mortem of deceased got conducted on 25.06.2021. During enquiry, it was revealed that Himanshi had committed suicide by jumping in Yamuna river from Signature Bridge at around 03:00 PM

on 24.06.2021. (CCTV footage of Signature Bridge taken on record).

5. As far as the judgments filed by the accused are concerned, they are of no relevance. In *Velladurai's case (supra)*, the facts are distinguishable in as much as therein both the accused as well as the victim, who were a married couple, consumed pesticide. Herein, it is not the case where accused has taken such a step. Further, in *Pallem Deniel Victor @ Victor Hanter's* case, the accused had filed a criminal case against the deceased, and it was held that mere non payment of debt by the deceased is not sufficient proof to attribute the intention of abetment to the accused. Again, the facts are distinguishable in as much as neither any criminal case was filed by the accused against the deceased nor are there any allegations of financial transactions gone awry. Rather, the allegations herein revolve around harassment of the victim by the accused.

6. A perusal of the record reveals that the alleged suicide took place at around 03:23 PM on 24.06.2021. A perusal of the record thus reveals that the accused seems to have misled the father of the victim, as he had stated to the father of the victim at around 04:00 PM on 24.06.2021 that the victim would be found in front of Reebok showroom, however she was not present there. This perception gets fortified by the statement made by the IO that a CCTV footage of a neighbouring shop captured the victim leaving Big Box Cafe and the accused pursuing her, probably to placate her, as she had come out

crying. During the course of arguments, it was also submitted that the accused and his cohorts also followed her to Signature Bridge, Wazirabad. If that be so, then the allegation of accused misleading the father that the victim was in front of Reebok showroom, needs to be investigated.

7. A perusal of the record would reveal that in the whatsapp messages, the deceased girl alleged that:

*“Or m going to quite (sic) my life right now only”*

*“Uska zimmedar AYUSH hai”*

*“Or app sab log ho jis jis me (sic) mere sath battamizi Kari H”*

8. Thus, *prima facie*, there are accusations implicating the accused herein. Further, the father of the deceased who was present in the Court, had submitted that Ayush had called the mother of the deceased and had apprised her that he had fought with her and might have indulged in physical assault also. It was also brought to the fore that victim was not suffering from any mental or other illness. The investigation is at its nascent stage and CDRs of the accused are being analysed. The phones of the alleged persons have been sent to FSL for retrieval of data. Other belongings and mobile phone of deceased bearing numbers 8700098315 & 9711402913 have yet to be recovered, which are ostensibly vital pieces of evidence. Further, few of the witnesses who were present at Big Box cafe are yet to be examined by the police. It is explicit that the investigation is ongoing.

9. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein, this Court is of the opinion that the accused Ayush Panwar @ Nitin ought not to be granted bail at this juncture. Accordingly, the present bail applications are hereby dismissed.

10. Needless to say, the abovementioned 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.

11. At this juncture, it would be utmost significance to delve into the aspect of belated registration of FIR. The contention of the Ld. Counsel for the accused that there has been a delay in registering the FIR and that this aspect should accrue in favour of the accused, cannot be countenanced. It has come on record that the initial complaint was filed on 24.06.2021, and thereafter, two subsequent complaints were filed on 28.06.2021 and 22.06.2021. A complaint was even made before the Delhi Commission of Women on 09.07.2021. However, the FIR was registered only on 11.07.2021. The reasons put forth by the IO for belated registration of FIR was the conducting of inquiry by special staff upon orders of the DCP, and the initiation of inquest proceedings u/s 174 Cr. P.C.

12. In the perception of this Court, the above explanation is bereft of not

only legal, but also moral justification. A father lost his daughter, and would be in great grief. Nothing can be more devastating than losing a child. This grief can be exacerbated by feelings of a sense of injustice. Non registration of an FIR qua the alleged perpetrators, would have caused unimaginable anguish to the parents and they would left feeling helpless, and harbour a deep sense of injustice. Despite that, the conduct of the police authorities prima facie is reflective of adoption of a callous and cavalier attitude in as much as they demonstrated reprehensible insensitivity while dealing with this complaint.

13. As far as the explanation of the IO qua conducting of inquest proceedings u/s 174 Cr. P.C. being the reason for non registration of FIR is concerned, it would be apt to peruse one of the many orders related to the Sushant Singh Rajput death case i.e. Transfer Petition (Crl.) No. 225 of 2021 titled Rhea Chakraborty Vs. State of Bihar & Ors. It was a classic case where there was a delay in registration of FIR in case of abetment to suicide, and the delay was deprecated by the Courts. In the said Transfer Petition, reference was made to ***Manoj K. Sharma Vs. State of Chhattisgarh (2016) 9 SCC 1*** wherein it was held as follows:

*“20. ....Sections 174 and 175 of the Code afford a complete Code in itself for the purpose of “inquiries” in cases of accidental or suspicious deaths and are entirely distinct from the “investigation” under Section 157 of the Code....”*

*“22. In view of the above, we are of the opinion that the investigation on an inquiry under Section 174 of the Code is*

*distinct from the investigation as contemplated under Section 154 of the Code relating to commission of a cognizable offence...”*

Thus, initiation of inquest proceedings ought not to have come in the way of registering of an FIR, that too in a complaint qua a missing person. In any case, the postmortem was conducted on 25.06.2021 itself, and there is no plausible reason forthcoming for belated registration of FIR.

14. The other reason for delay in registering the FIR, as advanced by the IO, was the conducting of inquiry by the special staff. This reasoning is legally flawed, to say the least. Rather, it borders towards contempt of the law of the land as laid down by the Hon. Supreme Court of India. In ***Lalita Kumari Vs. Government of Uttar Pradesh & Ors. (2014) 2 SCC 1***, categorical directions have been laid down qua registration of FIRs, and the relevant direction is reproduced hereunder:

*“120.1. The registration of FIR is mandatory u/s 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.”*

*“120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.”*

15. Further, it would be apt to peruse ***Standing Order No. 252/19*** of

the Delhi Police, issued by the Worthy Commissioner of Police, Delhi:

*“V. Duties of Police Station staff*

*4. Whenever any foul play is suspected in case of missing person above 18 years of age or where suspects are specifically mentioned, a case shall be registered without delay under relevant sections of law and investigation shall be taken up in such cases of missing persons.”*

16. Even in *Court on its Own Motion Vs. State & Another, W.P. (Crl.) 1585* of 2019, an affidavit was filed by the Delhi Police before the Hon. High Court of Delhi along with the proposed Road Map for online reporting of missing persons and it was averred as thus:

*“Step 4: Registration of FIR*

*SHO of the concerned area Police Station shall ensure that:-*

*a) FIR shall be lodged immediately for children and juveniles upto 18 years and adult if there are specific allegations or suspicion or any foul play.”*

17. In the present case, a complaint was filed on 24.06.2021 by the father of the deceased alleging that his daughter was missing and that she was last seen with accused Ayush Panwar. It is apparent that the police did not register an FIR at that stage. Thereafter, another complaint was made by the father of the deceased on 29.06.2021 with specific allegations of abetment to suicide against accused and his accomplices. Even then the police did not register an FIR. The hapless father then approached the Delhi

Commission for Women and made a complaint lamenting non registration of FIR by the police. In the said complaint, which has been filed by the Ld. Counsel for the complainant, it has been mentioned that the police merely made an entry in the General Diary and did not even write the name of the accused therein. It was further mentioned in the said letter that the family of the victim were making rounds to the police station since the last 15-16 days, however no action has been taken by the police against the accused nor has an FIR been registered.

18. This delay in registration of FIR assumes significance in light of the fact that the CCTV footage of relevant date i.e 24.06.2021 could not be recovered. It was submitted by the IO that the CCTV footage was seized only on 19.07.2021. Thus, it is apparent that a vital piece of evidence may have been lost on account of delay in registering the FIR, and in conducting investigation thereafter. This fact also assumes significance in light of the allegations made by the complainant that it was this footage which would explain the happenings of the morning/afternoon of 24.06.2021, which would be decisive in establishing the guilt or innocence of the accused herein.

19. This lack of apathy coupled with dereliction of duty and disobedience of the law of the land as laid down by the Hon. Supreme Court of India deserves not only the strictest condemnation but also invitation of legal proceedings against the errant officers of Delhi Police. Therefore, in terms of *Lalita Kumari Vs. Government of Uttar Pradesh & Ors. (2011) 11 SCC*



**331**, the misconduct is hereby being reported to the Disciplinary Authority, who shall take stringent action as per law, which may include suspension in contemplation of Departmental Proceedings. **Accordingly, copy of this Order be sent to the Worthy Commissioner of Police, Delhi to take necessary action as per law and file a compliance report on the next date of hearing.**

20. As far as the parents of the deceased are concerned, one can only imagine the anguish and unbearable pangs of loss that they would be suffering from. For the traumatic ordeal and agony they underwent and the after effects of which they are still reeling under, it becomes imperative for the family as a whole to undergo therapeutic sessions which would involve counselling as well. **Accordingly, copy of the order be sent to Ld. Secretary, Central District Legal Services Authority with a request to direct concerned officials to conduct counselling of the parents in order to assuage their feelings and to assist in the healing process.**

21. **Put up for filing of compliance report on 05.10.2021.**

22. Copy of the Order also be given to the IO, and the Ld. Counsel for complainant.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/28.09.2021**