

Juned Alam vs The State Govt Of Nct Of Delhi on 19 February, 2025

Author: Manmeet Pritam Singh Arora

Bench: Manmeet Pritam Singh Arora

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision

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BAIL APPLN. 524/2025

JUNED ALAM

Through: Mr. Vikas Bhatia, Mr. A
Duggal and Mr. Aman Jwa

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for the State
SI Manish with ASI Rajesh PS
Paharganj

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA
ORDER

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking regular bail in FIR No. 646/2024 dated 08.11.2024 registered at Police Station (P.S) Pahar Ganj under Section 308/127(2)/3(5) of Bhartiya Nyaya Sanhita, 2023 ('BNS'). 1.1. The case of the prosecution as borne out from the status report is that the FIR was registered on the basis of the complaint by one Sanjay Sharma, who stated that on 08.11.2024, after alighting from a train at New Delhi Railway Station, he checked-in at New Karan Hotel, Pahar Ganj after paying Rs. 600/- for a room to the Applicant/Juned, who was the Manager in the said hotel.

1.2. It is stated that after checking into the room no. 104, the complainant was approached by Applicant/Juned with a girl namely Supriya Shahi on the pretext of room service and thereafter Applicant/Juned left from the room. It is stated after a while the girl (Supriya Shahi) started threatening the complainant for money otherwise she will falsely trap him in a false rape and molestation case. It is stated that later the girl i.e. Supriya Shahi had also called the Applicant/Juned in order to extort money from the complainant. It is stated by the complainant that in such threat and coercion Rs. 15,050/- was transferred by the complainant through UPI to one Jatin Kumar (owner of the hotel); and another Rs. 5,200/- was transferred to the Applicant/Juned when the complainant tried to check out from the hotel. It is stated

that a total of Rs, 20,250/- was extorted from the complainant. 1.3. It is stated that after the complaint the FIR was registered and investigation ensured. It is during the course of investigation;

Applicant/Juned was arrested on 09.11.2024 and he was identified by the complainant. Thereafter police custody remand of the Applicant was obtained and in his disclosure statement it was disclosed that the co-accused Jatin Kumar, who is the lessee of the Hotel New Karan Guest House is the master mind of the said extortion committed by the Applicant/Juned along with the co-accused Supriya Shahi and the payment of Rs 15,050/- extorted from the complainant was credited to the account of accused Jatin Kumar. 1.4. It is stated that during investigation the co-accused Supriya Shahi was also arrested at the instance of Applicant/Juned on 12.11.2024 and during the Police Custody Remand in her disclosure statement she as well confirmed the fact that she committed the offence of extortion on instruction of co-accused Jatin Kumar. Thereafter the Applicant and co-accused Supriya Shahi were sent to Judicial custody.

1.5. It is stated that, thereafter, during the course of investigation, the bank statement of the Applicant/Juned was obtained and it was found that Rs. 600/- and Rs. 5200/- was credited to his account by the complainant. Arguments on behalf of the Applicant

2. Learned counsel for the Applicant/Juned states that the incident is of the date 08.11.2024 and the Applicant was arrested on 09.11.2024. He states that charge-sheet stands filed against all the accused and the matter is next listed before the Trial Court on 03.03.2025 for arguments on charge. 2.1. He states that as per the allegation in the FIR, the Petitioner herein received a sum of Rs. 5200/- from the complainant. He states that the said amount has already been returned to complainant by the brother of the Applicant on 17.02.2025.

2.2. He states that there is no criminal antecedent against the Applicant and as such there are no chances of the Applicant for fleeing or tampering with any evidence if she is admitted to bail.

2.3. He states that since the trial is likely to take a considerable time and investigation as well stands complete; therefore, the Petitioner shall be enlarged on bail.

2.4. He states that the owner of the hotel i.e. co-accused Jatin Kumar has already been granted anticipatory bail by this Court vide order dated 09.01.2025 in BAIL APPLN. 4507/2024; whereas he as per the prosecution is the master mind. Hence Applicant is entitled to bail on principles of parity.

2.5. He further states that the Applicant undertakes to make himself available as and when directed by this Court or as required by the police officials /IO.

Arguments on behalf of the State

3. Learned APP states that as per the complainant the Applicant was sought to be honey-trapped by the Applicant/Juned and the co-accused Supriya Shahi under instructions from co-accused Jatin Kumar. 3.1. He states that initially the Applicant forced the complainant to transfer a sum of Rs.

15,050/- to the co-accused Jatin Kumar through UPI thereafter when the complainant was checking out, the Applicant had again forced the complainant to transfer a sum of Rs. 5200 through UPI. 3.2. He, however, confirms that there are no other involvements of the Applicant and the investigation stands complete.

4. Learned APP has handed over a status report dated 19.02.2025. He is directed to have the same placed on record.

Findings and Analysis

5. This Court has considered the submission of the parties.

6. Before advertng to the facts of the present case it would be imperative to refer to the judgments of the Supreme Court on the subject matter of regular bail.

7. It is a settled principle of law that bail is the rule and jail is an exception. In Sanjay Chandra v. CBI, (2012) 1 SCC 40, it was held as under:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

8. Further the Supreme Court in Arnab Manoranjan Goswami v. State of Maharashtra, 2020 SCC OnLine SC 964, has reiterated the value of the personal liberty enshrined under Article 21 of the Constitution of India. The Supreme Court further emphasized that basic rule behind the bail jurisprudent is "to bail not jail". The Supreme Court further observed that it is our earnest hope that our courts will exhibit acute awareness to the need to expand that footprint of liberty and use of our approach as a decision- making yardstick for further cases for the grant of bail.

9. Lastly, it is also a settled law now that the nature of offences and charges involved being grave and serious cannot be the only basis for rejection of bail and the Court has to take a holistic view of the facts and circumstances [Re.: Prabhakar Tiwari vs. State of Uttar Pradesh, (2020) 11 SCC 648]

10. Adverting to the facts of this case the role of the applicant at this stage is not alleged to be any different or graver than the role of the other co-accused person, who have been enlarged on bail. Further the Applicant is stated to have no criminal antecedents and nothing has been pointed out to show that Applicant may tamper with the evidence or influence any witness. Even though in a cursory manner, learned APP pointed out that Applicant may be a flight risk, however, the same can be taken care of by putting appropriate conditions.

11. Another important factor that the Court must not overlook while deciding the bail applications is the likelihood of delay in the conclusion of the trial¹. In the present case since the investigation stands complete qua the Applicant and the chargesheet as well stands filed before the Trial Court and since the trial is likely to take a considerable amount of time; therefore, no useful purpose would be served for keeping the Applicant in judicial custody.

12. Thus, taking into account the overall facts and without commenting on the merits of the case, this Court is of the opinion that the Applicant ought to be enlarged on bail. The Applicant is, therefore, admitted to regular bail in FIR No. 646/2024 registered at P.S. Pahar Ganj and is directed to be released on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court and subject to the following conditions:

State of Kerala v. Raneef, (2011) 1 SCC 784 i. Applicant will not leave NCT of Delhi without prior permission of the Court.

ii. Applicant shall provide his permanent address to the Trial Court. The Applicant shall intimate the said Court by way of an affidavit and to the IO regarding any change in residential address. iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.

iv. Applicant shall join investigation as and when called by the IO concerned.

v. Applicant shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.

vi. Applicant will report to the concerned IO of P.S Pahar Ganj every 2nd and 4th Friday of every month, at 4:00 PM, and will not be kept waiting for more than an hour.

vii. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case. viii. The Applicant shall not threaten the witnesses or tamper

with the evidence of the case.

13. In the event of there being any FIR/DD-entry/Complaint lodged against the Applicant during the period of bail, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

14. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

15. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

16. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J FEBRUARY 19, 2025/hp/ms Click here to check corrigendum, if any