

**IN THE COURT OF DISTRICT AND SESSIONS JUDGE  
Nehru Nagar Court, NORTH DELHI**

Cr. Appli. 15 of 2019

Date: 05.10.2019

**In the matter of:**

Sant Pal Singh

.....Applicant

v.

State (N.C.T. of Delhi)

.....Respondent

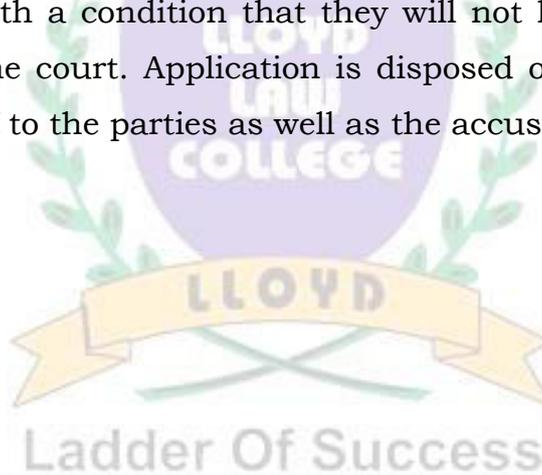
**Coram: Hon'ble Mr. Anil K. Thakur, Judge, Sessions Court**

Present: Ms. Sweta Singh, Ld. Public Prosecutor  
Ms. Shabnam, Ld. Counsel for the applicant.  
IO Mr. Naresh Bharadwaj.

Learned counsel for the applicant submits that FIR no. 159/2019 U/s 302/379/417/120B IPC has been registered in Model Town police station whereas the occurrence of the alleged offence has taken place in the jurisdiction of AnandVihar police station. The counsel further submits that the police has not asked for the police custody in the said FIR and that is why the accused is there in judicial custody since 17/9/2019. It is also submitted by the counsel of applicant that one female accused Mrs. Veeneta, wife of the prime accused Sant Pal Singh was arrested at 8:30 PM (after sunset) as evident in arrest memo and it is alleged that the arrest of that lady was made by the male police officer violating the provisions of CrPC and hon'ble apex court's guidelines given in *D.K. Basu v. State of West Bengal 1997 (1) SCC 416*. The counsel further submits that police has not produced any material evidence till now and there is no ground to keep the accused in judicial custody. Reliance is placed on a later judgement *Kavita Manikkar v. CBI, 2018 SCC OnLineBom 1095* where the Court has held that arrest in violation of Sec. 46(4) CrPC would amount to illegal arrest. The case of the applicants is similar to the situation as reiterated by the Supreme Court in this judgement. Since the learned public prosecutor of this case could not produce any satisfactory justification against the

allegation of violation of Sec. 46(4), the same amounts to illegal arrest. The court finds no reason to reject this bail application as police has not gathered any substantial evidence so far that proves the *prima facie* involvement of the accused in the said FIR.

IO Mr. Naresh Bharadwaj is suspended till the time of filing a satisfactory reply to the allegation levelled against him by the learned counsel for the applicant. DCP of North Delhi is hereby directed to take disciplinary action against IO and start with the internal departmental inquiry with respect to the violation of the guidelines given by the Supreme Court. Bail is granted on a condition that the accused shall furnish a personal bond of one lakh each along with the condition that they are not going to meet any witness related to this case directly or indirectly and they will cooperate with the investigation and with a condition that they will not leave the city without the permission of the court. Application is disposed off. Copy of this order will be given in *dasti* to the parties as well as the accused.



**(Sh. Anil K. Thakur)**  
**Sessions Judge**  
**Delhi: 05.10.2019**