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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 1979/2020**

SHADAB ALAM ..... Petitioner

Through : Ms. Tara Narula, Ms. Nupur and  
Ms.Aparajita Sinha, Advocates.

versus

STATE, NCT OF DELHI, THROUGH  
STANDING COUNSEL & ANR. .... Respondents

Through : Mr.Amit Prasad, SPP for State.

**CORAM:**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

% **20.10.2020**

1. The hearing has been conducted through Video Conferencing.

**Crl.M.A.No.14174-75/2020**

2. Exemption allowed, subject to all just exceptions.

3. The application(s) stand disposed of.

**CRL.M.C. 1979/2020 & Crl.M.A.No.14173/2020**

4. This petition has been filed with the following prayers :

*"(i) Pass an order directing the transfer of the investigation in case arising out of FIR No. 57/2020 dated 24.02.2020 registered at PS Dayalpur out of the North-East district, Delhi to another district or to an independent investigating agency for a free and fair inquiry; and  
(ii) Pass an order directing re-investigation/de novo investigation in case arising out of FIR No. 57/2020 dated 24.02.2020 registered at PS Dayalpur and for such investigation to be monitored by this Hon'ble Court; and  
(iii) Pass an order directing the Commissioner of Police to conduct a thorough departmental inquiry into actions of the relevant officials posted at PS Dayalpur, take appropriate preventive action against the concerned officers, and place the inquiry report before this Hon'ble Court, as well as provide a copy of the report to the Petitioner;"*

5. The facts of the case are given in the bail order dated 10.04.2020 in the Bail Application No.755/2020 which are not repeated for the sake of brevity.

6. The learned counsel for the petitioner referred to para 9 of the said order to say that there is mystery surrounding the arrest of applicants herein.

It is the submission of learned counsel for the petitioner that these petitioners were picked up from medical shop viz. Samrat Medical Store on 24.02.2020 and only when the applications were moved by their counsels before the learned MM qua their illegal detention, they were shown to have been arrested on 28.02.2020. Even an application to preserve the CCTV coverage of Samrat Medical Store as also of PS Dayal Pur was declined as also the request or a direction to the Nodal Officer(s) of the mobile companies to produce the call records of the accused persons of the relevant time and also to preserve the CDR.

7. The learned counsel for the petitioner has also referred to the two medical reports/MLCs, one got prepared at the time of arrest on 28.02.2020 by the police and the another one of dated 29.02.2020 when the petitioners were in jail which show the injuries caused on the back and other parts of body. It is stated that even Mr.Anurag Ghai, owner of the said medical store had given an affidavit to the effect the petitioners were all along with him in the shop on 24.02.2020 and never participated in the riots etc. yet this evidence was not taken on record by the investigating agency, hence, it is prayed the investigation be handed over to some other agency other than the police of PS Dayal Pur.

8. Issue notice. Learned ASC accepts notice and seeks to file status report. As sought, status report, answering all the queries raised by learned counsel for the petitioner, be filed within two weeks from today with an advance copy thereof to the learned counsel for petitioner through email.

9. List on 17.11.2020.

**YOGESH KHANNA, J.**

**OCTOBER 20, 2020/VLD**