



\$~128

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 12th March, 2025

+ **W.P.(CRL) 598/2025**

SATINDER SINGH BHASIN

.....Petitioner

Through: Mr. Vishal Gosain, Ms. Rudrani Tyagi, Mr. Praney Sharma and Mr. Nilanjan Dey, Advocates (Mob. 9432280612).

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Ms. Priyam Aggarwal & Mr. Abhinav Arya, Advs. along with SHO/Insp. Sukhbir Malik, SC Navneet and SC Prashant, P.S. Connaught Place.
Mr. Vikas Pahwa, Mr. Rajiv Nayar, Sr. Advocates with Mr. Nikhil Kohli, Mr. Saket S., Mr. Kushank Garg, Ms. Sanskriti Santosh Gupta and Mr. Manish Singhal, Advocates for Complainant.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J.(ORAL)

1. This hearing has been done through hybrid mode.

CRL.M.A. 7933/2025 (for directions)

2. The present application has been filed by the Petitioner- Satinder Singh Bhasin under Section 528 of the Bharatiya Nagrik Suraksha Sanhita,



2023, seeking various reliefs as recorded in the judgment dated 20th February, 2025. This is a case where a *habeas corpus* petition was filed by the Petitioner who was stated to have been taken from Delhi by the Uttar Pradesh (hereinafter as 'U.P.') Police without following the prescribed procedure.

3. This Court had taken serious note of the conduct of U.P. Police and, on 20th February, 2025 passed various directions as under:

“15. The Court had thus directed that the Petitioner, if not released on bail by the ld. Magistrate in Noida, he shall be produced before this Court. Delhi Police was also directed to produce the CCTV footage.

16. Today, Mr. Mittal, ld. Counsel appearing for the UP Police has placed on record the order passed by the concerned CJM yesterday evening i.e., 19th February, 2025 wherein the Court has observed as under:-

*“ जिससे यह स्पष्ट है कि प्रार्थी/
पिटिशनर के सम्बन्ध में माननीय उच्चतम न्यायालय द्वारा मारिटरिट पिटि
शन (एस.) 197/2021,
सतेन्द्र सिंह भसीन बनाम उत्तर प्रदेश राज्य एवं अन्य से सम्बन्धित प्रकर
ण में हीन हीन वरन अभियुक्त के विरुद्ध किसी अन्य स्वतंत्र अपराध (any
other independent offence.)
में कार्यवाही किये जाने के सम्बन्ध में भी माननीय सर्वोच्च न्यायालय की पू
र्व अनुमति आवश्यक होने हेतु आदेशित किया गया है।
किंतु विवेक द्वारा माननीय उच्चतम न्यायालय द्वारा पूर्व अनुमति का ए
सा कोई प्रपत्र प्रार्थना-पत्र के साथ प्रस्तुत नहीं किया गया है।*

*माननीय सर्वोच्च न्यायालय द्वारा रिट पिटिशन (एस.) 197/2021
सतेन्द्र सिंह भसीन बनाम उत्तर प्रदेश राज्य एवं अन्य में पारित आदेश
दिनांकित-06.07.2021
को द्रष्टिगत रखते हुए अभियुक्त सतेन्द्र सिंह भसीन उर्फ मोनू पुत्र स्व.
जसवन्त सिंह भसीन, निवासी-डी-24, राजोरीगार्डन थाना-
राजोरीगार्डन, दिल्ली के विरुद्ध मु०अ०सं०-74/2025. अन्तर्गत*



धारा-303 (2), 331, 334, 316(2), 331(6), 317(2), 109, 305,
326, भारतीयन्यायसंहिता थाना-बीटा-2.
गौतमबुद्धनगरमेंप्रस्तुतरिमाण्डप्रापत्रनिरस्तकियेजानेयोग्यहै
निरस्तकियाजाताहै।"

TRANSLATION

"It manifests that in regard to the Applicant/Petitioner, the prior permission of the Hon'ble Supreme Court is directed to be taken necessarily not only in this case i.e. Writ Petition (S) (?) No. 197/2021, titled Satendra Singh Bhasin Versus State of Uttar Pradesh and Ors. but also in other independent offences in proceeding against the accused. However, no such document pertaining to the prior permission of the Hon'ble Supreme Court came to be filed along with Application by the Investigation Officer Therefore, in view of the order dated 06.07.2021 passed by Hon'ble Supreme Court in Writ Petition (S) (?) No. 197/2021, titled Satendra Singh Bhasin Versus State of Uttar Pradesh and Ors., the Remand Application filed in connection with the Case (FIR) No. 74/2025, U/s 303(2), 331, 334, 36(2), 331(6), 317(2), 109, 305, 326 Bhartiya Nyaya Sanhita, PS Beta-2, Gautam Budha Nagar against accused Satendra Singh Bhasin alias Montu S/o Late Jaswant Singh Bhasin R/o D-24, Rajouri Garden, PS Rajouri Garden, Delhi is liable to be dismissed, hence stands dismissed."

17. *The Court is also informed that in view of the above order, the police remand has not been extended qua the Petitioner and he has already been released.*

18. *In terms of the above prescribed protocol, no information appears to have been given to the Delhi Police prior to the arrest of the Petitioner, who is a resident of Delhi. The matter requires a deeper look as none of the other prescribed procedures appears to have been followed. No grounds of arrest also appear to have been communicated at the time of arrest. If the procedures prescribed are not followed, the arrest itself would be contrary to law.*



19. Moreover, the dispute between promoters is also presently pending before the NCLT/NCLAT. Certain orders of the Hon'ble Supreme Court, granting bail in favour of the Petitioner, in previous FIRs are also relied upon by the Petitioner. The prima facie view of the Court is that the steps required were not taken and hence the arrest itself is illegal.

20. The Petitioner is present in the Court. One of the allegations of the Petitioner is that he was physically assaulted and manhandled and the MLC has also been conducted on him. Certain videos are also placed before the Court by the Delhi Police, to argue that a private vehicle was used by the UP Police to pick up the Petitioner even though the personnel who took the Petitioner from Delhi to Noida were not in police clothes. He was also examined and the MLC has been prepared. The MLC has been produced in Court which shows that some injury may have been caused, however, the same is not clear until the X-ray reports and expert opinion is sought.

21. Under these circumstances, though the Petitioner is released, there is a need to ensure that the prescribed protocol for inter-state arrests is followed by the UP Police. The Court would also like to examine the CCTV footage to ascertain the manner in which the police from UP/Noida has picked up the Petitioner, without any information to the Delhi Police and as to why private vehicles were used and the UP Police personnel were not in uniforms. Let a status report be filed by the Commissioner of Police, Greater Noida, UP, after enquiring into the whole matter before this Court including the following aspects:

- i. Who were the police personnel who picked up the Petitioner from Delhi?
- ii. Which was the vehicle used for the said purpose?
- iii. What does the Medical report conclude after conducting X-ray as directed in the MLC.

22. In addition, the Commissioner shall also place on record in the status report, as to –

- i. Whether any protocol has been agreed to with the Delhi Police in case of Inter-State arrest as directed in the Sandeep



Kumer(supra) case?

23. A senior official from the Noida Police shall remain present in Court.

24. List on 5th May, 2025.”

As per the above order, a high-level enquiry has been directed by the Court, into the entire incident and directions were given to file a report.

4. The submission of Mr. Vishal Gosain, Id. Counsel for the Petitioner in the present application is that the Petitioner has not been called by the U.P. Police for recording of his statement and, therefore, no steps appear to have been taken in this regard. Secondly, he submits that the CCTV footage which is available, would show that the manner in which the Petitioner was removed from Delhi from nearby his office and taken to U.P. ought to be preserved. He further submits that there are various cameras which are installed at public locations including the DND flyway and Connaught Place, the details of which are as under:

“ Delhi

- 1. Main Spot Opposite Shivaji Stadium Shattered Glass Visible*
- 2. Camera at House Number 4*
- 3. Camera At House Number 6*
- 4. Hotel Connaught Camera*
- 5. Outer Circle Connaught Place 01*
- 6. Outer Circle Connaught Place 02*
- 7. Outer Circle Connaught Place 03*
- 8. Outer Circle Connaught Place 04*
- 9. Outer Circle Connaught Place 05*
- 10. Outer Circle Connaught Place 06*



11. *Barakhamba Road*
12. *Barakhamba Road 2*
13. *Patiala House Near Gate 4*
14. *Patiala House Near Gate 6*
15. *Patiala House Near Gate 7*

DND

16. *DND Camera 1*
17. *DND camera 2*
18. *DND Camera 3*
19. *DND Camera 4*
20. *Noida Expressway Entry*
21. *Mahamaya*
22. *Expressway 1-32 Atleast 32 Camera on Noida Greater Noida Expressway Near Knowledge Park Chowki*
23. *Greater Valley School*
24. *Camera Inside Parking of Knowledge Park Chowki*
25. *Outside Table at Chowki Verandaon Wall Infront of Lal Singh Chowki Incharge”*

5. It is prayed that the camera footage at the above locations can be preserved.

6. Mr. Rajiv Nayar and Vikas Pahwa, Id. Senior Advocates appearing for the Complainant submits that the Petitioner cannot seek monitoring of the inquiry and the investigation.

7. Ld. Counsel appearing on behalf of the Delhi Police submits that the request for preservation of CCTV footage has already been made and if there are any other locations, as listed in Annexure A-1 to the application, the request for the said locations shall also be made for preservation of the



CCTV footage. It is made clear that all the CCTV footage which is available for the said date recording the incident wherein the Appellant was picked up from Connaught Place and taken to Noida shall be preserved and placed before this Court in a pen drive.

8. In so far as the U.P. Police is concerned, since the allegation is that the statement of the Petitioner has not even been recorded, and the matter is yet to be taken up by this Court on 05th May, 2025 let notice be issued to Mr. Mittal, Id. Counsel for the U.P. Police, to file a status report as to the present status of the inquiry directed by this Court.

9. Mr. Gosain, Id Counsel for the Petitioner submits that in Noida it would be the Director General of Police who would have to file the status report. Be that as it may, the Commissioner/DGP of the UP Police shall file the report.

10. Prayer 'C' of the application seeking directions to the Crime Branch, Delhi Police or any other specialised agency to conduct a thorough probe or investigation with regard to the entire incident is not pressed by the Petitioner at this stage.

11. Further, a video has been shown to the Court today that the Petitioner is misusing the judgments passed by this Court in the present *habeas corpus* petition. It is made clear that neither of the parties shall misuse or misinterpret the judgments passed by this Court in any manner - in as much as the purpose of entertaining the petition for *habeas corpus* was to safeguard the safety and security of the Petitioner who was alleged to have been picked up by the U.P. Police and not for allowing parties to settle their personal scores.

12. Mr. Gosain, Id. Counsel for the Petitioner submits that the Petitioner



2025:DHC:1817-DB



does not intend to use the orders of this Court for any media or publicity.

13. Any videos on any other electronic or online platforms shall be removed forthwith.

14. List on 04th April, 2025.

**PRATHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

MARCH 12, 2025/MR/ck
(Corrected and released on 20th March, 2025)