

10 to file formal reply forwarded through
SHO. Put up before concerned court for
01/09/21

Akhil

AKHIL MALIK
Metropolitan Magistrate
Municipal Magistrate
Room No. 30,
Karkardooma Courts, Delhi

BEFORE THE COURT OF LD. METROPOLITAN MAGISTRATE,
ROHINI DISTRICT COURT COMPLEX, DELHI

IN THE MATTER OF:
State

...Complainant

Versus

Mandeep Punlya

..Accused

FIR No. 52/21
PS Alipur
U/s. 186,353,332,34 IPC

First bail application under Section 437 CrPC on behalf of Accused

Accused respectfully submits as follows:

1. The Accused was detained in the instant case yesterday. No information as given to his family members until late last night regarding his detention or possible arrest. It is only when the fellow journalists of the Accused reached the police station that some indication was given that he had been detained. No information was given about the registration of the FIR until late last night, and that too, after the fellow journalists of the Accused tried to file a missing persons complaint.
2. The instant FIR is under Sections 186, 353 and 332 r/w Section 34 of the IPC which are punishable with three months, three years and two years imprisonment respectively. The instant case as such comes within the judgment of the Hon'ble Supreme Court in *Arnesh Kumar* being punishable by less than seven years imprisonment.

3. The offences as alleged in the FIR are not made out against him. The FIR was registered at around 1.21 AM despite him being allegedly part of a scuffle at around 6.40 PM the previous evening. In such a simple case where the Accused is allegedly apprehended on the spot and where the complainant and alleged victim are police officers, this approximately seven hour delay has to be considered significant. In fact, Accused was merely carrying out his journalistic duties and another journalist was detained along with him but was released around midnight. The reason for differential treatment given was that Accused herein was not carrying a press card. Accused is a freelance journalist and not carrying a press card can be no grounds for a case or arrest.
4. The Accused is a well respected member of society being a journalist including being a frequent contributor to the well known *Caravan* magazine.
5. He has roots in society and is a man with a family. His mother is 76 years old and he requires to take care of her. His wife is a student and is pursuing her Ph.D. There is no apprehension of his not being available for investigation or trial.
6. The Accused is in absolutely no position to influence any possible witnesses as the witnesses are police officials. Further, there is video

