

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

Date of Decision: January 14, 2015

+ BAIL APPLN. 2426/2014

SANJEEV KUMAR

..... Petitioner

Through: Mr. Sanjay Kr. Dubey & Ms.
Suchi Singh, Advocates

versus

STATE

..... Respondent

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Petitioner seeks regular bail in FIR No. 171/2012 under Section 420/34 IPC registered at Police Station Dwarka, Sector-23, New Delhi. Learned counsel for petitioner submits that investigation of this case is complete and petitioner is in custody for last about 2 ½ years and trial of this case is likely to take time and so petitioner deserves bail as he was a mere service provider and he had not cheated anybody. It was pointed out that co-accused *Rajesh* has been released on bail and so petitioner also deserves the concession of bail.

This application is opposed by learned Additional Public Prosecutor, who had drawn the attention of this Court to the status report filed by the State and it was submitted that case of petitioner is not at par

with co-accused because petitioner is a service provider/consultant whereas co-accused was just his employee and now the case is coming up before trial court on 19th January, 2015 for recording of evidence and if petitioner is released on bail, he will tamper with the evidence or will abscond.

Upon hearing and on perusal of the copy of charge-sheet of this case and the status report, I find that case of petitioner is not at par with the case of co-accused *Rajesh*, who has been granted regular bail. The apprehension of learned Additional Public Prosecutor for respondent-State of petitioner tampering with evidence is justified one. Petitioner is a resident of Bihar and has no roots in Delhi and allegations against petitioner are of duping about 162 persons of rupees ranging from 20,000/- to 40,000/- per person.

In the facts and circumstances of this case, petitioner does not deserve bail at this stage. The application is dismissed with liberty to petitioner to seek bail afresh after deposition of public witnesses is recorded. Since petitioner is said to be in custody for the last about 2 ½ years therefore, trial court shall make all endeavours to expedite trial of this case.

Trial court be apprised of this order forthwith.

(SUNIL GAUR)
JUDGE

JANUARY 14, 2015

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