

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

+ **BAIL APPLN. 2071/2015**

Date of Decision : October 12th, 2015

SAHIL DAGAR @ SONU

..... Petitioner

Through: Mr.H.S. Dhillon, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Manjeet Arya, APP.
SI Sita Ram, PS Baba Haridas Nagar.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The present application being the third bail application has been filed by the petitioner/accused under Section 439 read with Section 482 of the Code of Criminal Procedure, 1908 for the grant of regular bail in FIR No.413/2015, Police Station Baba Haridas Nagar, under Sections 392, 394, 34 of the Indian Penal Code.

2. In the present case, a PCR call was received vide DD No.55A dated 16.07.2015, police officials reached the place of occurrence i.e in front of Central Bank, Village Mitraon, Delhi where a gathering of people was found and two boys were already caught by the people. It was revealed that three boys came on a motorcycle and hit the same

against the Scooty of the complainant Mehar Chand due to which he fell down on the road. All the three boys gave beatings to the complainant and robbed his mobile phone, gold ring, wallet containing cash of Rs.15,000/- and other documents. Two boys were caught at the spot by the public, whereas their third associate managed to escape from the spot with the robbed property. The boys apprehended at the spot disclosed their names as Sahil Dagar @ Sonu (petitioner-herein) and Jatin @ Sonu.

3. The complainant was taken to the hospital and thereafter he identified both the accused persons. Both the accused were arrested and they disclosed the name of their third accused as Jitender Sharma @ Jeetu @ Jivesh. During investigation, third accused was arrested and from him, robbed mobile phone and gold ring belonging to the complainant were recovered. Thereafter, penal sections 397, 411 IPC were added in the present case. After completion of investigation charge-sheet was filed.

4. Arguments advanced by the learned counsel for the petitioner and the learned APP for the State were heard.

5. Arguments advanced by the counsel for the petitioner/accused

are that the petitioner is a juvenile having date of birth 26.12.1997. The alleged incident was merely an accident and no robbery was committed by the petitioner. The petitioner is in custody since 16.07.2015 and the investigation is already complete. The petitioner is no more required for further investigation and no recovery was effected from him.

6. On the other hand, learned APP for the State opposed the bail application on the ground that the petitioner is 20 years old as per his school record. The Hon'ble Court accepted the date of birth of the petitioner as 26.12.1995 after getting verified from the school principal. The petitioner is having previous criminal record as an FIR No.101/2012, Police Station Najafgarh, under Section 436/506/34 IPC was registered against him. It is further argued that due to the acts of the accused persons, the complainant received grievous injuries. The learned APP has shown the apprehension that if the petitioner is released on bail, he may abscond.

7. Perusal of record reveals that there are specific allegations against the petitioner/accused that he along with his co-accused persons has committed the robbery from the complainant. It is

alleged that accused persons firstly hit the Scooty of the complainant and then committed robbery of mobile phone, gold ring and wallet containing money and other documents. The petitioner/accused was apprehended at the spot and was duly identified by the complainant.

8. The trial of the case is at the initial stage and in the considered opinion of this Court, it is not a fit case to enlarge the petitioner/accused on bail at this stage, as the possibility of tampering with the evidence and influencing the prosecution witnesses cannot be ruled out. Even, the learned APP has shown the apprehension that the accused may flee from justice, if released on bail.

9. In the facts and circumstances, no ground is made out to release the petitioner/accused on bail at this stage. The application is accordingly dismissed. However, it is made clear that the observations made above shall not affect the merits of the case.

(P.S.TEJI)
JUDGE

OCTOBER 12, 2015
dd