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

+ **BAIL APPLN. 493/2016**

RAVINDER PASWAN

..... Petitioner

Through: Mr.Avinash Yadav, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.Sudershan Joon, APP for the
State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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08.03.2016

Crl.M.A. No.4065/2016

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 493/2016

1. The petitioner is seeking bail in case FIR No.53/2011 under Sections 395/397/412/120-B IPC, PS Lahori Gate, Delhi.
2. Status report has been filed by the State.
3. Mr.Avinash Yadav, Advocate for the petitioner has submitted that the petitioner is in custody since 29.09.2011 and trial is still going on. He has further submitted that only one prosecution witness has identified the petitioner and that co-accused have already been released on bail, hence the petitioner may also be enlarged on bail.
4. Mr.Sudershan Joon, learned APP for the State has submitted that the

petitioner has been involved in 39 cases, out of which eight cases have resulted into conviction. Learned APP for the State has further submitted that two witnesses have identified the petitioner to be the person involved in this occurrence.

5. Learned APP for the State has prayed for dismissal of the bail application submitting that the petitioner was identified in judicial TIP by two public witnesses namely Raju Yadav and Rajesh Kumar.

6. I have considered the rival contentions and carefully gone through the record.

7. The bail application of the petitioner has been dismissed by learned ASJ on 24.02.2016 recording that his earlier bail applications have been dismissed on 03.11.2014, 20.03.2015 and 13.10.2015 and there was no material change in the circumstances after dismissal of his earlier bail applications.

8. As per the FIR, it is a case of dacoity committed at gunpoint when the complainant Rajesh Kumar alongwith his associate Naresh Kumar were carrying cash of ₹ 95 lacs in two bags i.e. one bag was containing ₹ 63 lacs and another bag was containing ₹ 32 lacs. At about 10.20 am the complainant parked his vehicle in a vacant plot at *Pili Kothi* and as usual called his office staff to carry the bag. When Bijender Kumar and Raju Yadav had been carrying the bags being followed by the complainant and his associate and reached near *Pili Kothi Kuda Ghar*, two-three boys having weapon like pistol stopped them and threatened them. They snatched the bag from Raju Yadav which contained ₹ 32 lacs and escaped on Pulsar motorcycle towards Lahori Gate.

9. In the case ***Prasanta Kumar Sarkar v. Ashish Chatterjee & Anr.***

(2010) 14 SCC 496, the Supreme Court has observed that while considering application for bail, it is incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. Among other circumstances the factors which are to be borne in mind while considering an application for bail are whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; nature and gravity of the accusation; severity of the punishment in the event of conviction; danger of the accused absconding or fleeing, if released on bail : character, behaviour, means, position and standing of the accused; likelihood of the offence being repeated; reasonable apprehension of the witnesses being influenced; and danger, of course, of justice being thwarted by grant of bail.

10. The list of 39 cases, annexed with the status report filed by the State, in which the petitioner has been allegedly involved shows that he had been allegedly involved in criminal activities since 1995 and out of 39 cases, he has been convicted in eight cases.

11. In view of the nature and gravity of the offence especially the fact that as per the status report, the petitioner was identified during TIP as well by two witnesses namely Raju Yadav and Rajesh Kumar, I do not find it to be fit case to enlarge the petitioner on bail. Prayer rejected.

12. Bail application is dismissed.

13. The observation made above are only for the purpose of deciding the bail application and shall not be considered as an expression on merits.

PRATIBHA RANI, J.

MARCH 08, 2016/ 'st'