

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of hearing and Order: 22nd March 2016

+ BAIL APPLN. 618/2016
SALEEM

..... Petitioner

Through: Mr. S.C. Verma, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Kamal Kumar Ghei, Additional
Public Prosecutor for the State with
Sub-Inspector Amrit Lal, Police
Station Krishna Nagar, Delhi

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI
ORDER

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P.S. TEJI, J. (Oral)

1. The petitioner – Saleem seeks bail under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr. P.C.) in FIR No.455/2015 under Section 393/34 of IPC, at Police Station Krishna Nagar, Delhi.

2. The case in brief is that on 19.06.2015, the complainant Brij Lal stated in his complaint that at around 11 pm, when he was coming from office carrying a bag in one hand and bag of curd in another, two boys of 22-25 years of age came from behind and caught him. One of them caught his neck and another put his hand into his pocket. In the meantime, two boys of the same locality came over there on scooty

and asked him about what was happening. Thereafter, those two boys said that uncle is unwell and thereafter, both the accused persons fled away from the place.

3. The investigation was conducted and the petitioner surrendered before the learned Metropolitan Magistrate, Karkardooma Courts, Delhi on 23.07.2015 and since then he is in custody. During interrogation, the petitioner disclosed the name of other co-accused as Salmaan, who was apprehended on 17.08.2015. TIP of petitioner was conducted and the complainant correctly identified the petitioner. After completion of the investigation, charge sheet was filed.

4. Mr. S.C. Verma, counsel for the petitioner contended that the petitioner is in custody since 23.07.2015, charge sheet has been filed, and the learned Metropolitan Magistrate has already rejected the four bail applications filed before him on the ground of seriousness and enormity of the allegations leveled against the petitioner. Counsel for the petitioner contended that the persons who came on scooty and knew the complainant have not complained about anything against the petitioner. It is further contended that the complainant did not raise alarm when the petitioner had pressed the neck of the complainant from behind, as alleged in the complaint. Lastly, it is contended that the petitioner is in incarceration for more than seven months; trial of this case has just begun and the trial may take considerable period of time; nothing hyggas been recovered from the possession of the petitioner; he has never put the complainant under fear and/or demanded his belongings; charge sheet has been filed; complainant

has already been examined therefore, there is no possibility of influencing him, therefore, the petitioner ought to be granted bail in this case.

5. Mr. Kamal Kumar Ghei, Additional Public Prosecutor for the State contended that the petitioner is charged with a grievous offence and there is no infirmity in order passed by learned Metropolitan Magistrate, therefore, the bail application ought to be dismissed.

6. I have heard the submissions of learned counsel appearing on behalf of both the sides and gone through the material placed on record.

7. After going through the contents of the present petition as well as the impugned orders passed by learned Metropolitan Magistrate and considering the fact that the petitioner is a young boy in his 20s and has burden of his family, and the fact that the complainant has already been examined, therefore in the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner – Saleem subject to furnishing his personal bail bond in the sum of Rs.20,000/- with two sureties of the like amount to the satisfaction of the concerned Court. Petitioner is directed not to tamper with the evidence and shall not leave the country without prior permission of the court.

8. Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing

contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

9. With aforesaid observations, the present bail application stands disposed of.

10. Dasti.

MARCH 22, 2016
pkb

P.S.TEJI, J

