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

+ BAIL APPLN. 1399/2016

RAHUL Petitioner
Through : Mr. A.K. Pandey, Adv.

versus

STATE OF (NCT) OF DELHI Respondent
Through : Mr. Tarang Srivastava, APP

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **14.09.2016**

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He was not apprehended at the spot. He was arrested after 12 days of the alleged incident. Name of the petitioner has surfaced in the disclosure statement of co-accused allegedly recorded on 30th October, 2012. Petitioner was not arrested in FIR No. 442/2012 under Sections 365/394/397/34 IPC initially but has been arrested in FIR No. 367/2012 under Sections 395/397/365/412 IPC and subsequently roped in this case. Petitioner was shown to the complainant by the Investigating Officer, therefore, TIP was refused by the petitioner. Petitioner is in custody

for the last four years. Statement of complainant (PW1) suffers from glaring discrepancies.

Learned APP submits that present FIR No. 442/2012 under Sections 365/394/397/34 IPC was registered at Police Station Seema Puri on 29th October, 2012 on the complaint of Raj Pal Singh S/o Balwan Singh. In the FIR, complainant has stated that he was driving Innova taxi bearing registration no. HR-55-LT-2996 on 28th October, 2012 and he stopped at about 11:30 PM at Apsara Border, Gole Chakkar for taking his meal when all of a sudden, four boys came there and forced him to take his taxi towards Seema Puri Depot. Thereafter, they robbed his mobile with SIM, purse containing ATM card, driving licence, badge and ₹600/- in cash. He was also given a katta blow on his head when he resisted. Learned APP further submits that during the investigation, chance prints were lifted from the taxi. On 30th October, 2012 co-accused Danish was arrested. Petitioner was arrested in other FIR and he has confessed his complicity in the present case. Other co-accused were also arrested later on. Petitioner refused to participate in TIP. Licence and badge of the complainant were recovered from the petitioner. Injuries of the complainant have been opined as grievous. Fingerprint Expert has given his report, according to which,

chance print lifted from the vehicle of complainant matches with the fingerprint of the petitioner. Petitioner has been correctly identified in Court by the PW1.

Keeping in mind the above facts and circumstances of the case, I do not find it to be a fit case for grant of bail to petitioner. Application is dismissed.

A.K. PATHAK, J.

SEPTEMBER 14, 2016

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