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

+ **BAIL APPLN. 1504/2016**

GHANSHYAM

..... Petitioner

Through: Mr. Sunil K. Kalra & Mr. Vikram
Gola, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms. Anita Abraham, APP along with
SI Sandeep Kumar, Spl. Cell, for the
State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
28.07.2016

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Crl. M.A. No.11333/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 1504/2016

Issue notice. Learned APP accepts notice. She has tendered the status report in Court, which is taken on record.

Learned counsel have advanced their respective submissions.

The applicant has preferred the present bail application under Section 439 Cr.P.C. The applicant is being tried in case FIR No.53/2011 under

Sections 395/ 397/ 412/ 120B/75 IPC and Section 25 of the Arms Act registered at Police Station – Lahori Gate, Delhi. He is in judicial custody in the present case since 11.05.2011. The applicant has been declared bad character of Police Station – Punjabi Bagh. He stands convicted in case FIR No.318/2000 registered at Police Station – Roop Nagar under Section 379 IPC; FIR No.508/2008 registered at Police Station – Gokul Puri under Section 395/ 397 IPC; FIR No.516/2000 registered at Police Station – I.P. Estate under Section 395/ 412 IPC; FIR No.7/2001 registered at Police Station – Civil Lines under Section 302/ 186/ 353/ 34 IPC. The applicant was convicted to undergo 14 years imprisonment vide judgment dated 17.02.2004 in case FIR No.516/2000 aforesaid and he has been convicted to undergo life imprisonment in case FIR No.7/2001, as aforesaid.

In the present case, the applicant has been tried on the charge of having robbed two persons Rajesh Kumar and Naresh Kumar of Rs.1.27 Crores on 28.04.2011. Consequently, the offence in question appears to have been committed while the applicant had already been convicted and sentenced in the abovementioned cases. On 11.05.2011, the applicant was arrested and recovery of Rs.1 Lakh which was part of the booty was effected from his house. A country-made pistol with two live cartridges was also recovered during his PC remand. The status report shows that the CDR of the mobile phone used by the applicant at the time of commission of robbery proves his presence at the spot and participation in the crime and his association with the other members of the gang present at the spot. The applicant has been identified by the prosecution witness/ eye-witness Raju Yadav during the trial before the Court. 12 PWs out of the 57 PWs have been examined in the case.

The submission of learned counsel for the applicant is that the two of the prosecution witnesses have turned hostile.

In my view, that is no ground at this stage to release the applicant on bail particularly when his past record is considered and also the fact that he has been identified by an eye-witness; a part of the looted amount has been recovered from him; a Katta with two live cartridges have also been recovered from him, and; his involvement is indicated by his call detail records of his mobile phone.

Dismissed.

JULY 28, 2016
B.S. Rohella

VIPIN SANGHI, J