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

+ **BAIL APPLN. 1657/2016**

BHIM RAJ SINGH

..... Petitioner

Through: Mr. Gopesh Tripathi, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms. Anita Abraham, APP along with
ASI Gurmukh Singh, PS-Sector 23
Dwarka, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

06.09.2016

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Crl. M.A. No.12599/2016

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

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3. The petitioner has preferred the present petition seeking bail under Section 438 Cr.P.C. apprehending arrest in case FIR No.473/2015 registered at Police Station – Sector-23, Dwarka under Section 392/ 34 IPC.

4. The petitioner had earlier preferred bail application No.2633/2015, which was dismissed by this Court as late as on 26.07.2016. The order passed by the Court on the said bail application while dismissing the same reads as follows:

“Complainant has specifically stated in the FIR that three persons stopped him at 11:45 pm on 21st November, 2015 near Goyala Dairy and robbed his car. They also beat him. It is further stated that certain documents, mobile no.7042587603, a purse containing Rs.300/- and a driving license was also in the car. Telephone call was made at number 100. Learned APP submits that GPS was there in the robbed car. Location of the car was traced at Hirankudana, Delhi and co-accused Vimal was arrested along with car. He was also identified by the complainant. On his disclosure, other accused namely Chander Pal was arrested. Petitioner has also been named. He is evading arrest. Keeping in mind the serious allegations, I do not find it to be a fit case for anticipatory bail since custodial interrogation is required, inasmuch as, his TIP is to be conducted. Bail application is dismissed.”

5. The petitioner has again preferred the present petition to try his luck for the second time. The submission of learned counsel for the petitioner is that in the present petition he is urging grounds which are separate and distinct from those which were urged in his earlier bail application aforesaid.

6. In my view, it is not open to the petitioner to urge separate grounds in successive bail applications merely to try his luck. It was open to the petitioner to urge all his grounds in his earlier bail application. As he did not choose to do so, he acted at his own peril. Learned counsel for the petitioner has repeatedly been asked as to what, if any, is the change in circumstances since the dismissal of the earlier bail application on

26.07.2016. To this, there is no response. On this short ground, the present bail application is liable to be dismissed.

7. Even otherwise, the charges against the petitioner are grave. According to the complainant, he was way laid by three persons near Goyla Diary Road, Sector-19, Dwarka. His car and belongings were robbed. The car had a GPS system and on the basis of the said device, the car was located at Hirankudna, Delhi. One of the accused Vimal, who was in possession of the car was arrested. This accused has been identified by the complainant at the spot of arrest during his interrogation. Vimal has disclosed that he along with Chanderpal, S/o Vasudev and Bhim Raj Singh, S/o Sh. Lekhraj Singh, i.e. the petitioner committed the offence. During the PC remand of Vimal, the co-accused Chanderpal was arrested on 24.11.2015, who refused to join the TIP proceedings. The complainant correctly identified Chanderpal. The status report discloses that notice under Section 41 Cr.P.C. was issued to the petitioner to join investigation but he did not cooperate. The TIP of the petitioner is required to be conducted. The other two co-accused have been identified by the complainant.

8. In these circumstances, there is absolutely no merit in the present petition.

9. Dismissed.

VIPIN SANGHI, J

SEPTEMBER 06, 2016

B.S. Rohella