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

+ **BAIL APPLN. 1064/2015**

TITTU

..... Petitioner

Through : Mr.N.M.Popli, Advocate.

versus

THE COMMISSIONER OF POLICE & ANR Respondents

Through : Mr.Vinod Diwakar, APP with
Insp.Arvind Kumar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **23.02.2016**

CRL.M.A.No.3301/2016 (For waiver of cost)

1. Costs have already been deposited. No adequate reasons to waive it.
2. The application is dismissed.

BAIL APPLN. 1064/2015 & CRL.M.B.7167/2015

1. After some hearing, learned counsel for the petitioner seeks permission to withdraw the present bail application.
2. In view of this, the bail application is dismissed as withdrawn.

S.P.GARG, J

FEBRUARY 23, 2016 / tr

1. At 02.15 p.m. file taken up on the mention. Learned counsel for the petitioner disclosed that he had not withdrawn the present bail application. He wishes disposal of the bail application on merits.

Learned Addl. Public Prosecutor has no objection to it.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner seeks regular bail in case FIR No.772/2014 under Sections 394/397/34 IPC and Sections 25/27 Arms Act. Status report is on record.

3. Counsel for the petitioner urged that the petitioner is in custody since 15.09.2014. The complainant has already been examined. No purpose will be served to keep the petitioner in custody. Learned Addl. Public Prosecutor vehemently opposed grant of bail as there are serious allegations of robbery against the petitioner who has been identified by the victim in the Court statement.

4. The victim in the instant case is Ajay Kumar who was robbed of ₹4.5 lacs on 14.09.2010 at about 10.00 p.m. when he was coming back from Okhla Subzi Mandi after collecting cash from the shopkeepers. He had kept the cash in the dickey of motorcycle bearing registration No. DL3S AY 0618. At around 10.30 p.m. when he stopped his motorcycle about 50 meters away from Okhla Mandi red light to drop his friend, all of a sudden, three boys riding on a motorcycle came there and parked their bike in front of his bike and surrounded him. They threatened to either open the dickey of the bike or else they would stab and shoot him. One of the boys was carrying a knife and the other had a pistol. When the complainant resisted, one of the assailants pointed out the pistol on the complainant and robbed him. Status report reveals that charge-sheet has already been filed. Statement of the victim has already been recorded and he has

identified the petitioner to be the assailant who had pointed out pistol and had inflicted injury to him. It is also informed that the robbed amount was recovered from the petitioner. The petitioner also did not participate in TIP proceedings. He is not a permanent resident of Delhi. Record further reveals that petitioner's associates – Bunty @ Kalu and Shyam Narain @ Shyam could not be arrested and have been declared Proclaimed Offenders. The petitioner was found in possession of a country-made pistol and robbed cash of ₹45,000/-.

5. Considering the gravity of the offence and serious allegations against the petitioner, no sufficient ground exists for grant of bail. The bail application is dismissed. Pending applications also stands disposed of.

S.P.GARG, J

FEBRUARY 23, 2016 / tr