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

+ **BAIL APPLN. 2255/2016**

PRAVEEN KUMAR

..... Petitioner

Through: Mr. Satish Tamta, Senior Advocate
along with Mr. R.D. Maurya,
Advocate.

versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI
Vinay Pal, Special Cell/NDR, for the
State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

04.11.2016

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Crl. M.A. No.17157/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2255/2016

The petitioner has preferred the present bail application seeking regular bail under Section 439 Cr.P.C. in case FIR No.39/2014 under Sections 395/ 120-B/ 412/ 201/ 34 IPC registered at PS – Special Cell/ Lajpat Nagar, New Delhi. The petitioner has been in judicial custody since 02.02.2014.

The submission of learned senior counsel for the petitioner is that the

petitioner has earlier been released on interim bail and he has not misused the same. He surrendered eventually in terms of the conditions of bail imposed by the Court. He further submits that the only involvement of the petitioner is that he was allegedly one of the occupants in a car from which the other accused also got down and started running away. The petitioner is not allegedly one of the persons, who have assaulted the victim. Even no fingerprints of the petitioner have been recovered from the stolen vehicle, while the fingerprints of the other accused have been recovered. He further submits that about 30 prosecution witnesses have been examined out of about 80 witnesses, and the trial is likely to take quite some time to complete. He submits that there is no purpose of detaining the petitioner in jail.

On the other hand, Mr. Katyal has drawn the attention of the Court to the role attributed to the petitioner as set out in the charge-sheet. He points out that Rs.26 Lakhs were recovered from the house of the petitioner at his instance, and Rs.15,800/- were recovered on his personal search at the time of his arrest at Mohali, Chandigarh in the intervening night of 31.01.2014 and 01.02.2014. The other evidence collected against the petitioner is with regard to his stay at Dalhousie, Himachal Pradesh along with other accused. There is also a CCTV footage taken from Yusuf Sarai Market, Gautam Nagar Road, wherein the petitioner is seen in the company of the other accused persons with a Jetta and Qualis Car. The petitioner had come with the accused Shakti and other accused persons. The CDR of the mobile phone used by the petitioner at the time of the crime also shows his connection with the other accused persons. The petitioner also refused TIP. However, he was identified by the witness.

Learned senior counsel for the petitioner submits that the petitioner had refused TIP since he had been shown to the prosecution witnesses while in custody before conduct of the TIP. The petitioner was again shown to the witnesses after the conduct of the TIP once again to re-confirm his identity in the police station.

Having heard learned senior counsel for the petitioner, learned APP and perused the record, I am not inclined to grant regular bail to the petitioner at this stage. The evidence of the prosecution is still being recorded. The offence is serious and grave. It is a case of daylight robbery on the road by holding up a moving vehicle. The prima facie involvement of the petitioner is made out from the facts taken note of hereinabove. In case the petitioner is released on bail, it is likely that he will tamper with the evidence and jump bail at this stage.

The petition is, accordingly, dismissed.

VIPIN SANGHI, J

NOVEMBER 04, 2016

B.S. Rohella