

\$~11.

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

+ **BAIL APPLN. 1170/2016**

HEMANT KUMAR @ HIMMAT KUMAR@ DHARMENDER

..... Petitioner

Through: Mr. U.A. Khan & Mr. Shahrukh
Khan, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP along with
ASI Veer Pal Singh, PS-Tilak Nagar,
for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

27.01.2017

%

The report of the FSL has been received. A copy of the same has been tendered in Court and taken on record.

The petitioner is seeking regular bail in case FIR No.1409/2015 under Section 419/ 420/ 471/ 474/ 34 IPC at PS – Tilak Nagar, Delhi.

The allegation against the petitioner is that he and the co-accused had taken a loan by pledging fake golden ornaments and fabricated identity documents. It is claimed that that the petitioner who was named Hemant Kumar has represented himself as Dharmender in whose name the identity documents have been produced.

The status report on record shows that the petitioner was arrested in another case being FIR No.135/2015 under Sections 419/ 465/ 467/ 468/ 471/ 120B/ 34 IPC registered at PS – Balachaur, Shaheed Bhagat Singh Nagar, and during interrogation in the said case, he confessed to his involvement in the present case as well.

The submission of learned counsel for the petitioner is that the FSL report shows that the pledged ornaments have been found to contain about 86% gold and, thus, the primary allegation against the accused that fake gold ornaments were pledged itself cannot be sustained. He submits that no investigation has been carried out in relation to the alleged misrepresentation by the petitioner as Dharmender. He submits that the petitioner had not submitted any fabricated identity documents. The submission is that there was no reason for the petitioner to do since he had pledged genuine ornaments having high purity of gold, as now confirmed by the FSL. The charge-sheet in the case already stands filed.

Since the FSL Report indicates that the gold ornaments pledged by the petitioner are having a high gold purity, I am inclined to allow the present petition. Accordingly, the petitioner is directed to be released on bail subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Trial Court;
- ii) he shall join the investigation as and when called for;
- iii) he shall provide his mobile phone number to the Trial Court, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Trial Court;
- iv) He shall not contact the complainant or any other witness in the case

and shall not try to influence any witness or tamper with evidence.
Dasti.

JANUARY 27, 2017
B.S. Rohella

VIPIN SANGHI, J