

\$~4

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

+ BAIL APPLN. 811/2017

KRISHAN @ RAJU

..... Petitioner

Through Mr.V.P.S. Raghav Adv.

versus

THE STATE NCT OF DELHI

..... Respondent

Through Mr.Kewal Singh Ahuja, APP ACP
Niyati Mittal Kashyap (Sarai Rohilla),
Insp. Abhinendra Singh (SHO) and SI
Manoj Kumar, PS Gulabi Bagh..

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

15.05.2017

Arguments heard.

The present application has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.211/2014, under Sections 394/397/411/120-B/468/471/34 IPC, Police Station Gulabi Bagh.

As per FIR, the allegations levelled are that on 08.11.2014, an information was received by the police regarding snatching of a bag. The police reached the spot i.e. Gulabi Bagh underpass where it was revealed that the complainant/injured was taken to hospital. Statement of the complainant Dheeraj Bhatia was recorded in the hospital wherein he has stated that he has been working with Gupta Trading Company and he was given the field work and he used to

collect cash of the company. On 08.11.2014, he went to collect the money and collected Rs.7,23,100/- from various places and kept the same in a black colour bag. At around 2 p.m., when he crossed the underpass Gulabi Bagh, three boys came from behind on a motorcycle and snatched the bag of the complainant. One of the assailants attacked the complainant with a knife and he received injuries on his hand. After snatching the bag containing cash, all the three boys ran away from the spot. Apart from cash, the bag contained driving licence, registration certificate, insurance, PAN card, family photographs, cheque book, pass book of bank, voter card and one personal diary.

During investigation, all the three accused persons, namely, Manikant, Ravi Kumar and Krishan Kumar @ Raju were arrested. Robbed sum of Rs.1 lakh was recovered from accused Ravi Kumar and Rs.50,000/- was recovered from accused Krishan @ Raju. From the house of accused Krishan, one toy pistol was recovered, whereas robbed documents were recovered at the instance of accused Ravi Kumar and Krishan @ Raju. Knife used in the crime was recovered at the instance of accused Ravi Kumar.

Argument advanced by the counsel for the petitioner is that the petitioner has been falsely implicated in the present case. No recovery of any money or anything else was recovered from the petitioner or at his instance and the alleged recovery is a planted one. All the material witnesses have already been examined and none of them have identified the petitioner. The petitioner is behind the bars since 22.11.2014.

As per the allegations levelled, the petitioner along with co-accused persons has committed robbery of money and other articles from the complainant. During the commission of robbery, injury was also inflicted on the hand of the complainant. Out of the robbed money, a sum of Rs.50,000/-, toy pistol and documents of complainant were recovered from the accused. It has been submitted that apart from the present case, the petitioner is also involved in three other cases of robbery.

In view of the above mentioned facts and circumstances, this Court is not inclined to grant bail to the petitioner/accused. However, the trial court is directed to expedite the trial.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

The application is accordingly dismissed.

P.S.TEJI, J

MAY 15, 2017
dd