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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 6/2017

CHANDER PAL @ MISTRI

..... Petitioner

Through: Mr.Kawaljit Singh and Mr.Anurag
Bindal, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Ashish Dutta, APP with SI Vipin,
PS Kotwali.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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11.01.2017

Arguments heard.

The present application has been filed under Section 439 read with 482 Cr.P.C. for the grant of regular bail in FIR No.415/2015, under Sections 395/397/365/412/201/120-B IPC and Sections 25/54/59 Arms Act, Police Station Kotwali.

The allegations levelled in the instant case are that the FIR was registered on the complaint of complainant Amit Kumar who stated that he worked at M/s Rajesh Kumar Arvind Kumar as Manager-cum-Partner. The company of the complainant used to do the work of Railway Cargo. On 11.05.2015, eleven cartons of silver jewellery were coming by Rajkot Ahmedabad Mail to Old Delhi Railway Station. The complainant asked his co-workers Govind and Daleep along with Sunil and Hari Singh to collect the delivery of silver from railway station. At about 7.15 a.m., while labourers were bringing the

cartons containing silver jewellery, they were over-powered by some goons and four cartons containing about 270-275 kg. silver jewellery including 140 kg. pure silver were robbed. Accused persons also abducted four labourers but later on they were released.

During investigation, all the accused persons and robbed silver was recovered. In total, 14 accused persons were arrested and approximately 205 kg. of silver was recovered.

Argument advanced by the counsel for the petitioner is that three co-accused persons have already been granted bail. It is further submitted that the petitioner/accused is not the robber and his role is confined only to the extent that after robbery, accused persons gathered at the factory premises of the petitioner where robbed booty was distributed.

On the other hand, learned APP for the State vehemently opposed the bail application on the ground that 80 kg. of silver was recovered from the accused/petitioner. Co-accused Raju is the son of the applicant and if the applicant is released on bail, there is strong possibility that he may threaten the witnesses and may dispose of the remaining robbed property.

From the allegations levelled, it is matter of record that 80 kg. of silver was recovered at the instance of the accused/petitioner from his house and factory. There cannot be a parity of the present accused/petitioner with the other three co-accused persons who have already been released on bail for the reasons that the petitioner is the person from whom the highest quantity of robbed silver was recovered.

In view of the facts and circumstances mentioned above and also in view of the seriousness of allegations, this Court is not inclined to grant bail to the accused/petitioner. Bail application is accordingly dismissed.

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.

P.S.TEJI, J

JANUARY 11, 2017
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