$~21.

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

\+ BAIL APPLN. 2/2017

AJEET SINGH @ PAWAN

..... Petitioner

Through: Mr. R.K. Sonkiya, Advocate.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI Anoop Kumar, PS-Punjabi Bagh, for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

<u>O R D E R</u>

% **03.01.2017**

<u>Crl. M.A. No. 8/2017</u>

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

<u>BAIL APPLN. 2/2017</u>

The petitioner has filed the present bail application to seek regular bail under Section 439 Cr.P.C. in case FIR No.467/2016 registered under Section 392/ 397/ 411/ 120B/ 34 IPC at Police Station – Punjabi Bagh. The petitioner states that he is in judicial custody since 01.08.2016 in this case.

The case against the accused, as registered on the statement of Aman Mittal, is that the complainant was working as a Field Boy at Mayur Sales

Corporation. He along with Shubham used to collect cash, which was used to be deposited in the bank account with the help of the petitioner Ajit, who is an employee of ICICI Bank.

On 27.07.2016, they collected cash of Rs.80 Lakhs from retailers at about 07:30 p.m. On 28.07.2016 at about 09:30 a.m., they were proceeding to ICICI Bank, Asaf Ali Road Branch to deposit the said amount. Shubham was driving the scooty while the complainant was sitting as a pillion rider holding a black colour bag having the said amount of Rs.80 Lakhs. When they reached the underpass at Shakurbasti, four persons came on two motorcycles and they stopped them and one person pointed out a pistol like weapon on the abdomen of the complainant and the other person, who was rider of another motorcycle, snatched the bag. The complainant stated that he and Shubham due to fear ran towards Rani Bagh underpass after leaving scooty at the spot.

During investigation, the applicant Ajeet Singh was arrested and interrogated. In his disclosure statement, the petitioner stated that he had friends, namely Ashu Srivastava, Mukesh Pal and Sushil. He states that Shubham used to deposit Rs.50-80 Lakhs on every second day in the bank. During investigation, it was found that the petitioner was in telephonic contact with Ashu. Ashu was interrogated and he disclosed that he had given information to Mukesh Pal, Sushil Sharma, Monty and Puneet Anand, who hatched the plan of robbery. Accused Mukesh Pal was arrested and Rs.14,86,000/- were recovered from his possession from the godown of his shop situated in Rohini. Mukesh Pal has been identified by Shubham. Moreover, Rs.5 Lakhs was also recovered from the petitioner Ajeet. Puneet Anand, the other accused has refused to participate in the TIP proceedings.

Consequently, the bail applications filed by the applicant and the other accused have been dismissed by the Trial Court on 03.12.2016.

The submission of learned counsel for the petitioner is that the petitioner is employed with ICICI Bank. He has clean antecedents. He submits that there are serious discrepancies in the charge-sheet since the complainants have changed their versions with regard to the presence of motor cycles and the number of persons involved in the crime. Learned counsel submits that since the charge-sheet has already been filed, the investigation is over. He submits that the petitioner is, therefore, entitled to bail. He has placed reliance on the decision of this Court in ***Anil Mahajan Vs. Commissioner of Customs & Another***, 2000 (2) JCC (Delhi) 302; and the judgment of the Supreme Court in ***Sanjay Chandra Vs. CBI***, 2011 (4) Crimes 323 (SC).

Mr. Katyal points out that the charge-sheet has been filed and the matter is now coming up on 30.01.2017 for consideration on the aspect of framing of charge.

Having heard learned counsel for the petitioner, considered the submissions and having perused the charge-sheet and the order passed by the learned ASJ, I am not inclined to grant bail to the petitioner at this stage. The offence involved is serious, i.e. a day light robbery. The petitioner's role in the offence allegedly is, his being part of the conspiracy to rob the complainant and Shubham of the money that they were carrying for depositing in the bank. The involvement of the petitioner does not appear to be based only on his disclosure statement. The said disclosure statement apparently has led to the other accused from whom recovery of cash has been made. It appears that the petitioner's mobile phone and that of the other accused named by him, namely Ashu have been found to be in contact. Moreover, Rs.5 Lakhs cash has also been recovered from the petitioner.

Reliance placed on ***Anil Mahajan*** (supra) and ***Sanjay Chandra*** (supra) is misplaced. In ***Anil Mahajan*** (supra), the offence was under the Customs Act. Similarly, in ***Sanjay Chandra*** (supra), the offence was an economic offence. As opposed to that, in the present case, the serious offence under Section 392/ 397 has been alleged. Thus, it cannot be said at this stage that the petitioner may not influence the witnesses or may not abscond. The testimonies of the public and independent witnesses are yet to be recorded.

In these circumstances, I am not inclined to grant bail to the petitioner at this stage. However, the Trial Court is directed to expedite the trial in the case. Neither party shall seek nor be granted any undue adjournment. The matter shall proceed on the consideration of charge on 30.01.2017, as fixed. In case the charge is framed, the prosecution shall proceed to lead the evidence of the independent and public witnesses without any delay.

Dismissed.

VIPIN SANGHI, J

JANUARY 03, 2017
B.S. Rohella