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

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Judgment delivered on:13.09.2018

+ BAIL APPLN. 1606/2018

BHANU PRATAP GIRI

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioners :

Mr. Mohan Kaushik, Advocate

For the Respondents:

Mr. Panna Lal Sharma, APP for the State

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

13.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 553/2017 under Sections 394/397/34 of the IPC read with Section 25/27/54/59 of the Arms Act registered at Police Station Dwarka South, New Delhi.

2. The allegations in the FIR are that the complainant who runs a jewellery shop was travelling by RTV bus when the RTV bus stopped at CNG Station for refuelling the tank, the passengers got down and complainant was standing at the roadside when two boys came and tried to snatch his bag which, inter-alia, contained jewellery articles, cash money and keys of the shop. When the complainant resisted he was hit by one of the boys and other boys is alleged to have shot the complainant in the

stomach and snatched the bag. They sat in a car – Maruti Alto and drove away from the spot.

3. Complainant had given the vehicle number. The vehicle was subsequently traced out, figure prints were lifted from the vehicle as well as chance finger prints were lifted from other articles in the car, inter-alia, bottle. The allegation is that finger prints of one of the co-accused matched and he was apprehended and in his disclosure statement he has stated that he had sold the jewellery articles and distributed the sale proceeds with other accused including the petitioner. In his disclosure statement, he had stated that the petitioner was driving the vehicle.

4. Learned Addl. PP, under instructions, submits that the call detail record shows that the petitioner was in touch with the other accused. He further submits that four sets of finger prints were lifted from the vehicle, however, none of them matched with the petitioner. Learned Addl. PP further submits that there was recovery of some of the articles pursuant to disclosure statement made by the petitioner.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and he submits that there is nothing to connect the petitioner with the said offence and admittedly the finger prints lifted from the car and articles did not match those of the petitioner. He submits that the petitioner was nowhere at the crime scene but was in Rohini when the offence is alleged to have taken place. He further submits that admittedly as per the disclosure statement two boys got down from the car and it was not the petitioner who is alleged to have got down from the car and assaulted the complainant.

6. He further submits that the petitioner was not aware of the use of a gun to shoot the complainant. He further submits that the recovery of the articles is contradicted by the alleged disclosure statement wherein the co accused had stated that he had sold all the jewellery articles and distributed the sale proceeds. He submits that the alleged recovery has not been done after following due process and is also suspect.

7. Petitioner has been in custody since 06.03.2018 in this case.

8. Without commenting on the merits of the case and on perusal of the records, I am satisfied that the petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in any other case. The petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. The petitioner shall not leave the country without permission of the Trial Court.

9. The petition is disposed of in the above terms.

10. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 13, 2018

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