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

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Judgment delivered on: 05.10.2018

+ BAIL APPLN. 1776/2018

AVDESH GUPTA

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

**Advocates who appeared in this case:**

For the Petitioner :

Mr.Sagar Roy & Mr.Prashant Kumar,  
Advocates

For the Respondent :

Ms.Neelam Sharma, APP for the State

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**05.10.2018**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner seeks regular bail in FIR No.77/2018, under Section 392/34 IPC, registered at PS Sun Light Colony.

2. FIR was registered on a complaint that the complainant, who is a TSR driver, was driving his TSR and had picked up two passengers. On the way, one of the passengers held him from the back and alleged to threaten him with knife-like instrument and thereafter stole the TSR.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated as there is nothing to connect the petitioner to the subject offence except his alleged disclosure statement and recovery of some parts of TSR which have been connected to the subject TSR.

4. Learned counsel for the petitioner further submits that the alleged arrest of the petitioner, the disclosure statement and the recovery of the TSR parts are suspect. He further submits that admittedly, there is no recovery or identification of any knife-like instrument which was allegedly used for the offence and as such, no offence under Section 392 IPC could be made out against the petitioner.

5. Learned counsel for the petitioner further submits that even as per the charge-sheet there is no information or disclosure as to how the petitioner was identified or connected with the subject offence. He submits that reliance has been placed by the prosecution on the alleged information of a secret informer who is alleged to have stated that petitioner is a person who is involved in similar crimes. He submits that the secret informer is not stated to have said that petitioner is involved in the subject offence.

6. Status report has been filed. The petitioner has been in custody since 03.04.2018.

7. Without commenting on the merits of the case and on perusal of the record I am satisfied that petitioner has made out a case for grant of regular bail.

8. Accordingly, petitioner is directed to be released on bail on his furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial court, if not required in any other case. The petitioner shall not do anything which would prejudice the investigation of the prosecution witnesses.

9. Petition is disposed of in the above terms.

10. Order *dasti* under signatures of the Court Master.

**OCTOBER 05, 2018**

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**SANJEEV SACHDEVA, J**