

11# \$~

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

+ **BAIL APPLN. 2199/2017**

KRISHAN @ RAJU

..... Petitioner

Represented by: Mr. Sumit Kumar, Mr. Prakash
Kashyap, Ms. S. Jetha, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for
the State with SI Yogendra, PS
Gulabi Bagh.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.01.2018

%

1. By this petition the petitioner seeks bail in case FIR No.211/2014 under Sections 394/411/120B/34 IPC registered at PS Gulabi Bagh/Pratap Bagh, New Delhi.

2. Learned counsel for the petitioner contends that the petitioner is in judicial custody since 22nd November, 2014. When the petitioner filed the earlier bail application this Court vide order dated 3rd November, 2016 noting that out of 30 witnesses 18 witnesses have been examined and the witnesses remaining to be examined were primarily formal in nature, expressed its hope that the prosecution evidence shall be recorded within a period of next three months. However, despite directions of this Court around more than 14 months ago the trial has not concluded and only 24 witnesses out of 31 witnesses have been examined. Thus the trial is likely to take time. It is further contended that the co-accused Vijay and Manikant

BAIL APPLN. 2199/2017

Page 1 of 3

have already been granted bail by this Court. Number of involvements shown against the petitioner are incorrect for the reason the petitioner has already been discharged in FIR No.561/2014 and 1054/2014. Further in FIR No. 332/2014 the petitioner has already been granted bail.

3. Admittedly the petitioner and co-accused were wearing helmets at the time of incident and thus the identification can only be based on their height, built up and other appearance. It is the case of the prosecution that from the house of the petitioner at his instance a toy pistol (lighter) was recovered besides documents, that is, pass-book of SBI, driving license, three family photos, copy of the electricity bill, insurance, Aadhar Card, Voter ID Card, PAN Card etc. It is further the case of the prosecution that ₹50,000/- have been recovered at the instance of the petitioner. The petitioner states that the Investigating Officer at the instance of whom the recovery was made has already been arrested and he is facing investigation for corruption for having demanded money from another person. The recovery on the petitioner is planted.

4. The above noted FIR was registered on the complaint of one Dheeraj Bhatia who was found admitted by the Investigating Officer in an injured condition in Hindu Rao Hospital taken there by the PCR van. Dheeraj Bhatia stated that he resided with his family at A-17, Bawana, Delhi and he used to do field work in the company and collect cash on behalf of the company. On 8th November, 2014, he went to collect money and collected ₹7,23,100/- from various places. As he was going to Ashok Vihar via Barafkhana Roshan Ara Road on his motorcycle at around 2.00 PM at the underpass of Gulabi Bagh, three boys came from behind on a motorcycle

and snatched his bag. One of them who was without helmet attacked the complainant with knife and during scuffle the complainant received injuries on his hand. All the boys ran away from the spot on their motorcycle towards wrong side of the underpass. His bag was containing ₹7,23,100/- cash, driving licence, R.C. of his motorcycle, insurance, PAN card, family photos, cheque book etc.

5. Without delving into the merits of the case any further, it would be appropriate to note that despite the petitioner being in custody since 22nd November, 2014, only 24 witnesses have been examined and 7 witnesses, including the Investigating Officer, still remain to be examined. The two co-accused with similar role, that is, snatching away the property, have since been granted bail. The allegation of giving stab injuries is against Ravi, the third co-accused and not against the petitioner. Considering the nature of evidence against the petitioner, the fact that the trial is still likely to take some time and granting parity to the petitioner with Vijay and Manikant, whose roles are similar, this Court deems it fit to grant bail to the petitioner. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will not leave the country without prior permission of the Court concerned and in case of change of address, intimate the same to the learned Trial Court by way of an affidavit.

6. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 16, 2018/‘vn’

BAIL APPLN. 2199/2017

Page 3 of 3