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

+ **BAIL APPLN. 362/2018**

DEVENDER CHAUHAN

..... Petitioner

Through Mr. K K Manan, Sr. Adv with
Mr, Mukul Aggarwal, Mr.
Ajit Singh, Mr. Arjun Marwah
& Ms. Komal, Advs

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through Ms. Neelam Sharma,
APP for State along with Insp Jagdish
Yadav, PS Gokul Puri

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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20.09.2019

1. Vide this order I shall dispose of the bail application filed by the petitioner in FIR No. 148/2017 u/s. 365/397/412/506/120-B/34 IPC & 25/27/54/59 Arms Act, P.S. Crime Branch.
2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. He has submitted that investigation in the case is already complete and nothing is to be recovered from the petitioner. There is unexplained delay of about three months in filing of the complaint by the complainant. The FIR has also been registered after a period of one month of filing of the complaint. Name of the petitioner is not

even mentioned in the present FIR. No specific role has been attributed to him.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are very serious in nature. It is submitted that specific role has been assigned to the petitioner in the incident of abduction of the complainant and his friend who were robbed of Rs. 36,00,000/-. It is submitted that applicant Davender in his disclosure statement has disclosed that out of the looted amount, he was given Rs. 1,50,000/-. He had bought a motorcycle out of the proceedings of the crime. He has played an important role in the commission of the crime by threatening the complainant with dire consequences at the gun point along with other co-accused. He has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. Present case has been registered on the complaint of one Hitesh Shukla who used to deal in 'Bit Coins'. On 07.04.2017, the complainant had received a call from one Karishma Rajput who had offered to sell 'Bit Coins'. A deal was struck and complainant was directed to reach at V3S Mall, Preet Vihar. Before going there he along with his friend Vishal @ Anand Chand had gone to Chandni Chowk and collected cash amount. Thereafter they had proceeded to the above mentioned Mall. However, Karishma Rajpoot along with co-accused had abducted both the complainant and his friend and took them to a flat at Vaishali, Ghaziabad, where both of them were robbed of Rs. 36,00,000/- and then set free in Vaishali Ghaziabad itself.

5. During the investigation petitioner Davender was arrested. He has disclosed that he had received a sum of Rs. 1.5. Lacs from the looted amount.

There are allegations that applicant has played an important role during the commission of the crime by threatening the complainant with dire consequences at the gun point. The applicant/ petitioner had threatened the witness/ complainant on 04.06.2018 inside the court room and the same is recorded by Ld. ASJ in the ordersheet dated 04.06.2018. The trial of the present case is in progress. The complainant Hitesh Shukhla is being cross-examined. Complainant has identified all the accused persons on 04.06.2018. Keeping in view the serious nature of the offence and threat extended by him to the complainant, no grounds for bail are made out. The bail application is, therefore, dismissed.

BRIJESH SETHI, J

SEPTEMBER 20, 2019

AP