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

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Date of Decision: 19.02.2020

+ **BAIL APPLN. 2876/2019**

MOHD. TAJ @ CHHOTE

..... Petitioner

Through: MR. C.N.Grovel, Advocate.

versus

THE STATE OF DELHI

..... Respondent

Through: Mr. G.M.Fagooqui,
Additional Public Prosecutor
for respondent/State.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of a bail application filed under section 439 Cr.P.C on behalf of the petitioner **Mohd Taj @ Chhote** in FIR No. 140/2018 u/s. 302/394/120B/34 IPC & 25/27 Arms Act, PS Shahadara.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner is in custody since 16.09.2018. It is submitted that at the

time of alleged incident, petitioner was not present at the spot and he has been falsely implicated in the present case on the basis of alleged disclosure statement of Vikas @ Vicky @ Kalia and there is no incriminating evidence against the petitioner. It is, therefore, prayed that petitioner be released on bail.

3. Ld. Counsel for the petitioner in support of its contentions has also relied upon “Mohd Kashif v. State, 248(2018) DLT 532”.

4. I have gone through the above case law. However, the same is distinguishable on the basis of facts and circumstances stated therein. Moreover, no straitjacket formula can be laid down for grant of bail. Each case depends upon its own peculiar facts and circumstances.

5. Ld. APP for the State has opposed the bail petition on the ground that the allegations against the petitioner are serious in nature. Petitioner along with co-accused Mohd. Shevej have trailed the victim and passed his movement information to co-accused Ajay @ Kalia and Vikas who have murdered the victim. Ld. APP, has therefore, prayed for dismissal of bail application.

6. I have considered the rival submissions. As per prosecution

version, on 13.05.2018, at 7.50 p.m. a PCR call was received that one person has been shot by unknown boys. Police reached at the spot and injured was taken to hospital where doctor declared him brought dead. During investigation, co-accused Vikas Bhatri was arrested on 25.10.2018 and co-accused Ajay @ Kalia was arrested on 16.11.2018. During interrogation, both these co-accused persons disclosed their involvement in the present case along with petitioner Mohd Taj @ Chhote and Md. Shavej. Investigation revealed that on the day of incident, accused Mohd. Shavej and petitioner Mohd. Taj had reached near Fatehpuri and were in contact through mobile phones with co-accused Ajay @ Kalia. They were trailing the victim from Chandni chowk to Hanuman Mandir, Shahadra and from there co-accused Ajay @ Kalia and Vikas Bharti trailed the victim till his house. When the victim stopped his scooty in front of his house, co-accused Ajay @ Kalia tried to rob him at gun point and when the victim resisted, accused Ajay @ Kalia had shot him twice. During investigation, CDR and CAF of mobile number of accused Ajay @ Kalia, Vikas Bharti, Mohd Shavej and Mohd. Taj were obtained and it revealed that on the day of incident location of

accused Mohd Taj and Mohd Shavej was in Chandni Chowk from 6.30 p.m. till 7.22 p.m. It is also alleged that petitioner talked to co-accused Ajay @ Kalia for 2 minutes who thereafter committed murder of the victim. Apart from the present case, petitioner is also involved in following five more cases:-

Sl.no.	FIR no. & PS	U/S
1	654/2018, New Usman Pur	392/397/34 IPC
2	167/2018, Prert Vihar	395/412/120B/34 IPC
3	199/2018, Welcome	392/34 IPC
4	187/2018, Shakarpur	-
5	139/2018, Preet Vihar	-

7. Keeping in view the above facts, gravity of the offence and particularly the fact that petitioner is also involved in 5 cases of robbery, no grounds for bail are made out. The bail application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 19, 2020

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