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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 19/2020**

FAHEEM Petitioner
Through Mr.Gaurav Kochar, Adv. with
Mr.Dollar Jain, Adv.

versus

STATE Respondent
Through Mr. Amit Chadha, APP for State.
SI Kiran Pal PS Jagat Puri.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **04.03.2020**

Present petition is filed under section 439 Cr.P.C. for grant of bail in FIR No.157/2019 registered at Police Station Jagat Puri.

Case of petitioner/applicant is that the police officials had arrested petitioner from his village and illegally detained him in police station for few days and thereafter, photographs of petitioner were shown to the witnesses by the police.

It is not in dispute that co-accused Saurabh and Sohail have already been released on bail vide order dated 17.12.2019 passed by learned ASJ and Juvenile Justice Board respectively.

Counsel appearing on behalf of petitioner submits that all accused persons are equally liable for alleged offence punishable under section 395 IPC. This Court has granted bail to one of the accused, petitioner therein, in a case under Section 395/412 IPC titled as *Yogesh vs. State: 2018 (1) JCC 113* whereby it was held that there are ten co-accused of which one is

absconding and two of them have been enlarged on bail. Therefore, petitioner deserves bail on the ground of parity.

Learned APP has opposed the present petition by stating that petitioner is the person who robbed complainant on the information given by Saurabh who was an employee of complainant when alleged offence was committed. However, Sohail has been granted bail by Juvenile Justice Board.

The admitted case of prosecution is that petitioner had not used deadly weapon at the time of alleged incident which is pre-condition under Section 397 IPC. However, petitioner has been identified by complainant in TIP proceedings.

The similar allegations, punishable under section 395 IPC, have also been made against Saurabh (co-accused) who has already been granted bail vide order dated 17.12.2019 passed by learned ASJ.

However, without commenting upon the merits of the case and on parity, I am of the view that petitioner is entitled to bail.

Accordingly, he shall be released on bail on his furnishing personal bond in the sum of ₹15,000/- with one surety of the like amount to satisfaction of Trial Court.

Petition stands allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

Order dasti under the signatures of the Court Master.

SURESH KUMAR KAIT, J

MARCH 04, 2020/ab