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

+ **BAIL APPLN. 73/2020**

SH. DHIRAJ PURI

..... Petitioner

Through Mr M.S. Bammi, Advocate with
Mr Diwakar, Ms Neha Rao, Advocates.

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State.
SI Ganesh Kumar, P.S. Dwarka South.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.03.2020

1. The petitioner has filed the present application, *inter alia*, praying for bail in connection with FIR No. 0525/2019, under Sections 365/392/394/397/411/120-B/34 of the IPC, registered with P.S. Dwarka South, Delhi.
2. The said FIR was registered pursuant to a report that a cash van in front of Dwarka Sector-11, Metro Station had been robbed and a PCR Call to this effect was received and DD No. 23A was recorded. Thereafter, the statement of the custodian of the cash van was recorded and the said FIR was filed. He stated that on 21.11.2019, a cash van bearing No. DL-1RT-1808, containing cash of about ₹1.52 crores, was robbed at the main road in front of Manipal Hospital, Sector-6, Dwarka, Delhi by two assailants on gun and knife point. The accused persons (including the petitioner) also injured

the driver of the van Mr Dhiraj Puri (the petitioner) and the gun man Mr Vijay Kant. It is the prosecution's case that during investigation, the petitioner disclosed his involvement in the present case. It is alleged that he had disclosed that he along with his associates Madan Lal Bansal @ Rajesh, Mintu Giri and Prem Bahadur, had conspired to rob the van. It is stated that a sum of ₹24,41,500/- (which was the petitioner's share) was also recovered at the instance of the petitioner from his house. The petitioner as well as his associate Madan Lal Bansal were arrested on 25.11.2019, and it is stated that a sum of ₹30 lakhs was also recovered from Vehicle No. DL-8CS-7462 of the accused Madan Lal. The other two co-accused are stated to be absconding and further recoveries are required to be made.

3. The charge sheet against the petitioner has already been filed and is pending consideration before the Trial Court.

4. The learned counsel appearing for the petitioner states that investigation qua the petitioner is complete. Although, it is alleged that the petitioner has committed an offence punishable under Section 397 of the IPC, no such allegation can be sustained against the petitioner as he is the person who had sustained injuries. Further, there is no allegation that he had used any deadly weapon in the incident.

5. The learned counsel appearing for the petitioner contends that if the petitioner was involved in the incident, he would not have suffered grievous injuries.

6. Ms Kusum Dhalla, learned APP stoutly opposes the bail application in this case. She submits that the petitioner is the master mind of the robbery and is also involved in another incident where an FIR has already been

lodged. She further submits that at this stage, it would not be apposite for this Court to examine whether any of the allegations made against the petitioner are sustainable.

7. The petitioner's contention that the allegation of commission of an offence under Section 397 of the IPC is not sustainable, *prima facie*, appears to be merited as there appears to be no allegation that the petitioner had used any deadly weapon on the basis of material that is currently available with this Court.

8. Ms Kusum Dhalla, learned APP states that two other co-accused are yet to be arrested and further investigations are also required to be conducted. She states that the entire material has not been collected and the allegations made against the petitioner may be sustained on the material evidence that is being collected. Be that as it may, on the basis of the material that is currently available before this Court, it does not appear that an allegation of commission of an offence under Section 397 of the IPC is sustainable.

9. In the given circumstances, the petitioner is granted bail on his furnishing a personal bond in the sum of ₹50,000/- with two sureties of the equivalent amount to the satisfaction of the Trial Court. The petitioner shall not leave the National Capital Territory of Delhi. He shall mark his presence before the concerned P.S. Dwarka South on the first Monday of each calendar month. He shall also ensure that he is available at all hearings before the Trial Court.

10. It is clarified that any observations made by this Court is limited to examining the petitioner's application for bail and the Trial Court shall

consider the matter, uninfluenced by any observations herein.

11. The petition is disposed of in the aforesaid terms.
12. Order *dasti* under the signatures of Court Master.

VIBHU BAKHRU, J

MARCH 04, 2020

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