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

+ **BAIL. APPLN.857/2020 (URGENT)**

ANSH BHANDARI

..... Petitioner

Represented by: Ms.Chaitnya Gosain, Adv.

Versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Represented by: Mr.Panna Lal Sharma, APP for
State.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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06.05.2020

Crl. M.A. 6148/2020

1. The hearing has been conducted through video conferencing.
2. Allowed, subject to all just exceptions.
3. Application is disposed of.

BAIL APPLN.857/2020

4. Present bail application is filed under section 438 Cr.P.C. on behalf of the petitioner for grant of anticipatory bail in pursuance to FIR No.113/2020 registered at Police Station Krishna Nagar for the offences punishable under sections 393/436/452/34 IPC and sections 27/54/59 Arms Act.
5. Notice issued.
6. Learned APP accepts notice on behalf of State and has strongly opposed the present petition by stating that arms used in the incident are yet to be recovered, therefore, custodial interrogation is required.

7. With the consent of the parties, present petition is taken up for final disposal.

8. The case of the prosecution is that on 21.03.2020 at about 10:30 p.m., complainant was sitting at his shop bearing no.D2-24, Krishna Nagar, Delhi along with his partner Raju Choudhary. During that time, two boys came to his shop and started abusing and threatening him. Shivam Chauhan, co-accused, flashed his pistol and demanded money from the complainant at gunpoint. The Petitioner asked the co-accused to shoot the complainant. They pushed the petitioner and ran towards the back side of the shop and shut the door of the shop from the inside. Thereafter, petitioner and Shivam Chauhan tried to break the door but failed to do so and they broke all the glasses of his shop with iron rod and hammer which the complainant saw on the CCTV footage. Thereafter Shivam Chauhan and the petitioner threatened them, that if complainant would not open the door, they would start firing. When the complainant did not open the door, they along with one other associate Ankush Chauhan went to the street in the back side of the shop and they tried to break the door with a rod which could be seen on the CCTV footage.

9. Case of the applicant is that complainant knew the present applicant/petitioner including other co-accused, therefore, if they knew each other, there was no question of committing robbery in the shop of the complainant.

10. The fact remains that the complainant mentioned in the complaint that he knew Ankush Chauhan, their associate prior to the incident.

11. Be that as it may, damage has been caused to the shop, glasses were broken and scooty which was found at the spot belongs to the Petitioner

herein. Thus, presence of Petitioner is proved at the spot.

12. Moreover, anticipatory bail of co-accused Shivam Chauhan has also been dismissed by this Court vide order dated 01.05.2020.

13. Fact remains pistol/revolver and other arms are yet to be recovered. Therefore, for the aforesaid purpose, custodial interrogation is required. Accordingly, Petitioner does not deserve anticipatory bail.

14. In view of above, petition is dismissed.

15. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

MAY 06, 2020/ab