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

+ **BAIL APPLN. 1728/2020**

MOHAN LAL alias GUNGA

.....Petitioner

Through: Mr. Vishal Raj Sehijpal, Advocate
with Mr. Vishnu Sharma, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hirein Sharma, APP for the State.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

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08.09.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. This is an application filed on behalf of the petitioner seeking regular bail.
2. Mr. Vishal Raj Sehijpal, who appears on behalf of the petitioner, says that the petitioner was arrested on 12.03.2019.
3. I am informed that the prosecution has filed the charge-sheet pursuant to FIR No. 1/2019 registered against the petitioner and other accused under Section 392/34 of the Indian Penal Code [in short "IPC"].
 - 3.1 The said FIR was registered on 17.01.2019 at Police Station Subzi Mandi Railway Station.
4. Broadly, the allegation against the petitioner is that he; along with three or four boys i.e. the co-accused entered a train [i.e. Duranto Train No. 12266 Coach No. B-3] running between Jammu and Delhi and looted the passengers at knife point.

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5. Upon notice being issued, the respondent/State has filed a status report in the matter.

5.1 The status report shows that the petitioner, in the past, has been involved in at least 5 cases.

5.2 What is, however, not in dispute is that even though the incident in issue happened on 17.01.2019, the petitioner's arrest was brought about on 12.03.2019 based on the disclosure statement made by the co-accused.

5.3 I am informed by Mr. Sehijpal that the co-accused has been discharged by the concerned Court.

5.4 Mr. Hirein Sharma, the learned APP has not contended to the contrary.

5.5 It is also Mr. Sehijpal's contention that nothing was recovered from the petitioner, save and except, a photocopy of the Aadhar card concerning the complainant.

5.6 Mr. Sehijpal says that given the fact that the petitioner has spent nearly 1 year and 5 months in custody as also the fact that the investigation in the matter is complete; the petitioner should be released on bail.

5.7 Mr. Sehijpal further submits that the petitioner is on bail in other 5 cases to which a reference has been made in the status report filed by the respondent/State.

6. Having heard learned counsel for the parties, I am inclined to enlarge the petitioner on bail in the instant case.

6.1 The reason why I say so is the following: the respondent/State does not dispute the fact that the co-accused, whose disclosure brought the petitioner's arrest, has been discharged by the concerned Court as also the fact that no recovery was made from the petitioner, save and except, a photocopy of the Aadhar card concerning the complainant.

6.2 Furthermore, the likelihood of petitioner being convicted, in this case, appears rather slim.

6.3 Besides this, the petitioner has also spent, in custody, nearly 1 year and 5 months. The possibility of trial, in the near future, seems remote given the fact that the pandemic is raging in the city.

7. Therefore, as indicated hereinabove, the petitioner is enlarged on bail subject to the following conditions: -

(i) The petitioner will furnish a personal bond of Rs. 20,000/- with a surety of like amount to the satisfaction of the duty magistrate. The surety will be a resident of NCT of Delhi.

(ii) The petitioner will report to the Investigating Officer [in short "I.O."] every fortnight. The petitioner will establish contact with the I.O. over mobile phone. For this purpose, the following mobile number is furnished by Mr. Sehijpal: +91-8979762628.

(iii) In case the petitioner fails to establish contact with the I.O. or is reported as having infringed the law, the respondent/State will be at liberty to move the Court for cancellation of the bail order.

(iv) The petitioner will not establish contact with the witnesses or tamper with the evidence.

8. The captioned bail application is disposed of in the aforesaid terms.
9. The Registry is directed to transmit the order passed today, *albeit* electronically, to the concerned Jail Superintendent.

RAJIV SHAKDHER, J

SEPTEMBER 08, 2020
C/KK

Click here to check corrigendum, if any

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