

\$~1

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

+ **BAIL APPLN. 1780/2020**

DHRUV YADAV

..... Petitioner

Through: Mr Abhishek Kumar Dwivedi and Mr
Manish Kumar, Advocates.

versus

STATE

..... Respondent

Through: Mr Ravi Nayak, APP for State with
SI Sombir Singh, PS Alipur.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

10.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. Enlarge the Petitioner on interim bail of 45 days in view of decision taken by the High Powered Committee of Hon’ble High Court in the interest of justice and fairness.”

2. The petitioner is being prosecuted pursuant to an FIR No.009/2018 under Section 379 of the IPC. The said FIR was registered as it was reported that a vehicle (truck bearing no. HR 38 1586) along with its driver was missing. The said truck had left the godown at Alipur on 05.01.2018

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 10.08.2020
22:11:59

along with 1050 cartons of rice (each weighing 18 kg). The said goods were dispatched to Mundra Port. However, the vehicle did not reach the said destination (Mundra Port). This was reported and the FIR was filed. The vehicle in question was found abandoned near Vijay Ghat, Delhi. It is the prosecution's case that the investigation revealed that the driver (Kamil Khan) was missing. His locations during the last days were traced by the location of his mobile phone.

3. In the course of investigations one Rizwan, who had arranged for a place to unload the goods, was arrested. He disclosed the involvement of other co-accused including the petitioner. At the instance of the accused persons, the body of the driver (Kamil Khan) was recovered (in pieces) behind Khampur Radio Station, Alipur.

4. The weapon of offence (firearm) and the vehicle used in commission of the offence were also recovered.

5. It is the prosecution's case that the petitioner and the co-accused had murdered and looted the vehicle in question.

6. Although it is contended on behalf of the petitioner that he is covered under the criteria for being released on interim basis, as set out in minutes of meeting dated 18.05.2020 of the High Powered Committee, the said contention is erroneous. The High Powered Committee in its meeting held on 20.06.2020 has expressly clarified that the offences like kidnapping for ransom and dacoity have not been mentioned in the minutes dated 18.05.2020 while laying down the criteria for the prisoners, who could be released on interim bail.

7. Mr Nayak's contention that the Trial Court has erred in proceeding on

the basis that the three other co-accused, were covered under the criteria set out by the High Powered Committee on 18.05.2020, is merited. Thus the petitioner can draw no advantage from the orders releasing them on interim bail.

8. In view of the above, the prayer sought by the petitioner cannot be granted. The same is, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 10, 2020
MK

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 10.08.2020
22:11:59