

\$~11

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

%

Judgment delivered on: 11.09.2020

+ BAIL APPLN.1937/2020

DHIRAJ PURI

..... Petitioner

Versus

STATE

.....Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. M.S.Bammi, Advocate.

For the Respondent:

Ms. Kusum Dhalla, APP.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks regular bail in FIR No.293/2018 Police Station Patel Nagar under Sections 394/398/511/34 IPC.
3. FIR was registered on the statement given by the driver of a private cash van, who contended that at about 11.30-11.45 am he had taken the cash van from the office at Naraina Vihar along with other employees for loading cash in the ATMs. Near Patel Nagar at about 1.15 PM the custodian, auditor and the gunman took the cash to load in an ATM. While he was sitting in the vehicle with the gunman and the windows of the vehicle were open and a cash box was also in the

Signature Not Verified

Digitally Signed By: RUNAL
MAGGU
Signing Date: 11.09.2020 19:30:08
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

BAIL APPLN.1937/2020

Page 1

vehicle, two boys came from the front side of the vehicle holding something which resembled a weapon but their faces were muffled with a handkerchief and one of the boys pointed a weapon like object on him and the other pointed a weapon on the gunman. The gunman left his gun in the vehicle and ran away. A third boy came from the side and hit him on his head with some pointed object. He got out of the vehicle and starting shouting and when he started shouting, public accumulated and the boys ran away from there.

4. As per the case of the prosecution, the dump data was obtained from the towers of various cell phones and the dump data was analysed and five suspected mobile numbers having connectivity with each other were identified. The location of all the mobile phones was moving together and all of them were present at the scene of crime at the time of the incident.

5. Based on the IMEI numbers a co accused was suspected since he was previously involved in cases of robbery. He was arrested and he is alleged to have disclosed the name of the petitioner along with other co accused.

6. In so far as the petitioner is concerned, the allegation is that petitioner had contacted the accused and was informing them about the location of the vehicle from time to time.

7. Learned counsel for the petitioner further submits that the admitted case of the prosecution is that petitioner was not present on

the scene of crime, however, with regard to the contention that petitioner was informing about the location of the vehicle, learned counsel submits that there is no material on record to substantiate the same.

8. He submits that merely because a call connection is established between two individuals does not establish as to what discussion had taken place between them.

9. Learned counsel for the petitioner submits that the entire case against the petitioner is based on circumstantial evidence and there is no direct evidence linking the petitioner with the subject offence. He further submits that though petitioner is alleged to have committed an offence under Section 398 IPC, however, there is no material/evidence to establish that any dangerous weapon was used in the offence.

10. Learned counsel further submits that the witnesses have merely stated that a weapon like object was used. No description of any weapon has been given by any of the witnesses, leave alone describing a dangerous weapon.

11. Status report has been filed, however, as per the status report the family of the petitioner is presently residing with his brother-in-law and that also in a tenanted accommodation.

12. Without commenting on the merits of the case and keeping in view the fact that petitioner has already undergone nearly 1 year of

incarceration, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- each with two local sureties of the like amount to the satisfaction of the Trial Court, petitioner shall released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice the trial or the prosecution witnesses.

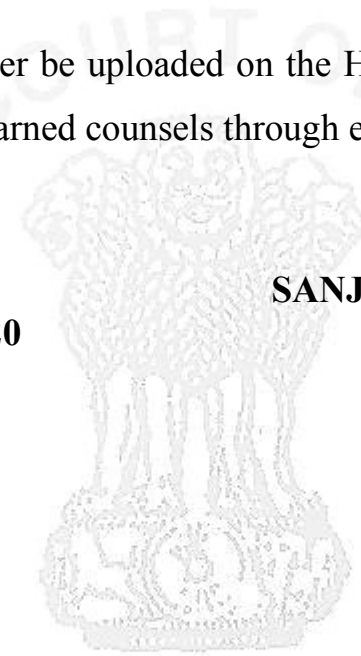
13. Petition is allowed in the above terms.

14. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

SEPTEMBER 11, 2020

rk



सत्यमेव जयते