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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1921/2020**

ASHISH BARJATYA Applicant
Through: Mr. Lal Singh Thakur, Advocate

versus

STATE OF NCT OF DELHI Respondent
Through: Ms. Meenakshi Dahiya, APP

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
% **19.08.2020**

Hearing has been conducted through Video Conferencing.

This is an Application under Section 439 Cr.PC for grant of Regular Bail in case FIR No. 119/2020 registered under Sections 395/ 397/ 411/ 120-B/ 34 IPC and Sections 25/27/54/59 of the Arms Act at P.S. North Rohini, New Delhi.

Status Report has been filed by the State.

Applicant has been in Judicial Custody since 23.03.2020.

Case of the Complainant as brought out in the Status Report is that on 20.03.2020 at about 11:00 p.m. when his father Shri Kailash Chand was closing his Chemist Shop and the Complainant was sitting in his car, six boys came in a Honda City car. Three of them went towards his father, hit him on his head and snatched a black bag containing around 4.7 Lakh Rupees and three mobile phones from him. One of the assailants who had a knife stick in his hand came towards the Complainant and snatched the

Complainant's mobile phone and while doing so the knife stick of the assailant fell into the car of the Complainant, after which all the assailants drove away in their Honda City Car. The Complainant filed a Complaint and the FIR was registered.

It is extensively mentioned in the Status Report that recoveries in relation to the present case have been made from the Applicant. It is also mentioned in paragraph 18 of the Status Report that the injury suffered by the father of the Complainant was simple in nature. Charge-sheet has been filed and Supplementary Charge-sheet is yet to be filed as disclosed in the Status Report.

In paragraph 20 of the first Status Report dated 05.08.2020 it was mentioned that the Applicant is a habitual offender who is involved in multiple snatching and robbery cases. Details of four FIRs registered against him were also mentioned therein.

After the Status Report was filed, learned counsel for Applicant submitted that the said FIRs were not in the knowledge of the Applicant, when the Applicant was taken into judicial custody and the registration of the said FIRs, if any, was post his arrest.

Consequently, State was directed to file an Additional Status Report, which has been filed.

In the Additional Status Report, details of registration of the said FIRs have been mentioned and it is evident from the same that the dates of their registration are prior to date of the Applicant being sent to judicial custody. However, in paragraph 6 of the Additional Status Report it is mentioned that the Applicant has been discharged in all these FIRs.

Mr. Lal Singh Thakur learned counsel for Applicant submits that the Applicant is 32 years in age and is innocent. He has been falsely implicated and if Regular Bail is not granted, his entire life and career will be ruined. He further submits that it is mentioned in the Status Report that TIP has not been conducted, whereas, in stark contrast to that it is mentioned in paragraph 17 of the Status Report itself that when the accused was taken to Tihar Jail, the Complainant Aashish Gupta identified the Applicant as the person who was driving the Honda City car. He further points out that in paragraph 18 of the Status Report it is stated that efforts have been made to recover CCTV footage but the same could not be obtained, whereas earlier stand of the prosecution was that the Applicant was seen driving the Honda City Car which was captured in a CCTV footage. Mr. Thakur lays stress on the fact that the injury suffered by the father of the Complainant is simple in nature and therefore the Applicant is entitled to be released on Regular Bail.

I have heard learned counsel for the Applicant and learned Additional Public Prosecutor for State.

In my view, Applicant deserves to be released on Bail.

Applicant is hereby admitted to Bail on his furnishing a Personal Bond in the sum of Rs.20,000/- with a sound surety of a like amount to the satisfaction of the Duty Magistrate. Bail will however, be subject to the following conditions:

- a. Applicant shall not directly or indirectly contact nor threaten the Complainant or any of the Prosecution Witnesses during the pendency of the trial. Applicant shall not tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the trial.

- b. Applicant will not leave the jurisdiction of NCT of Delhi without prior permission of the concerned Trial Court.
- c. Applicant will give his Mobile Number to the concerned I.O/S.H.O and will keep the same operational at all times. In the event of change of his residential address, Applicant shall inform the same to the concerned I.O/S.H.O as well as the concerned Trial Court.
- d. Applicant shall contact the concerned I.O./S.H.O. between 10 a.m. and 10.30 a.m. on the first Monday of every month.
- e. Applicant shall regularly participate in the Trial before the concerned Trial Court.

Copy of the order be sent to the concerned Jail Superintendent for information and necessary action.

Application is disposed of in the above terms.

JYOTI SINGH, J

AUGUST 19, 2020
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