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

+ **BAIL APPLN. 2126/2020**

SANDEEP @ BHONDI

..... Petitioner

Through Mr Harsh Vardhan Sharma, Advocate.

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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31.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition seeking bail in FIR No. 171/2018 under Sections 392/397/120-B/34 of the IPC and Sections 25/54/59 of the Arms Act, 1959 registered with PS Narela.
2. The said FIR was registered on the statement of one Mr Kailash Bansal. He stated that on 02.08.2018 he was waylaid while going to Gurgaon in a vehicle (car) which was driven by his driver Shambhu. At about 2.30- 2.45 p.m. when he reached near Narayana Flyover some boys aged about 20-25 years came in front of the car on a motor bicycle and stopped his car. One of the boys pointed a pistol at him and took away his mobile and the remote key from the car. At the material time, he was carrying with him approximately ₹1 crore – ₹30 lakhs were kept in a pink coloured bag behind the driver's seat and ₹70 lakhs were kept in a black

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coloured bag in the boot of the car. The two of the boys took away the bag containing ₹70 lakhs from the dickey. However, the other bag containing cash of ₹30 lakhs remained safe behind the driver's seat.

3. The investigations were under taken and it was found that a passerby had taken a video footage of the said incident. The accused Monu Sharma was identified from the said footage. He was arrested and at his instance ₹9.41 lakhs and a *desi katta* (country made pistol) was recovered from him. The motorcycle and the car used in the incident have also been seized. After interrogation of the Monu Sharma, other accused were also arrested and certain recoveries were made.

4. It is the prosecution's case that the driver of the complainant (Shambhu) was also involved in the said incident. He is stated to be a friend of the petitioner. It is alleged that the robbery was carried out in connivance with the complainant's driver and the petitioner was a part of the conspiracy to commit the said offence. The mobile phone of the complainant is stated to have been recovered from the petitioner.

5. The learned counsel appearing for the petitioner states that two of the co-accused have already been released on bail. The petitioner also seeks bail on the ground that his mother is unwell.

6. Mr Gupta, learned APP submits that the complainant has not been examined as yet and his evidence would be vital. He states that the role of the two co-accused, who have been released on bail, is materially different from the role of the petitioner. The allegations against the other accused is that they were found to be safekeeping money on behalf of the juveniles who were involved in commission of the offence. He submits that the petitioner was actively involved in the conspiracy of committing the said

offence. The status report has been filed which indicates that the medical condition of the petitioner's mother is stable. Inquiries were also been made from the petitioner's father who had stated that he has disowned the petitioner. Mr Gupta, contends that the petitioner is no longer welcome in his parents house.

7. The petitioner has been in custody for two years. Considering that the complainant's evidence is yet to be recorded, this Court considers it apposite not to accede to the petitioner's prayer at this stage. This Court is informed that the hearing before the Trial Court for recording the evidence of the complainant is now scheduled on 04.11.2020. This Court requests the Trial Court to ensure that the evidence of the complainant is recorded on that date.

8. The petitioner is also at liberty to apply afresh after the evidence of the complainant is recorded by the Trial Court.

9. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

AUGUST 31, 2020
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