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

+ **BAIL APPLN. 2385/2020**

VISHAL JAISWAL

..... Petitioner

Through: Ms Tarannum Khan, Advocate.

versus

STATE

..... Respondent

Through: Mr Ravi Nayak, APP for State with
SI Udai Singh, PS Mundka.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.08.2020

[Hearing held through video conferencing]

CRL.M.A. 11736/2020

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2385/2020

2. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with FIR No.0037/2020 under Sections 356/3798/34 of the IPC registered with PS Mundka.

3. The said FIR was registered on an incident of mobile phone snatching by two boys on a motorcycle being reported. The complainant had stated that he was talking on his mobile while he and his mother were going to Jankapuri from Rohtak Road to Shiva Garden Road. In the meanwhile, one motorcycle of black colour bearing Hero Honda no.2891, approached from the rear and the boy riding pillion had snatched his mobile phone and had

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fled towards Nangloi. He stated that he could identify the boys, if they were produced before him. The TIP was conducted and it is stated that the complainant has identified the accused (petitioner herein) as the person who was sitting pillion on the motorcycle.

4. The learned counsel appearing for the petitioner contends that the complainant has not named the petitioner in the FIR. Further, the complainant could not possibly identify the two boys since they had approached him from the rear.

5. The charge-sheet has been filed and charges have been framed. Considering the nature of offence, this Court does not consider it apposite to accede to the prayers made by the petitioner at this stage. The material witnesses are yet to be examined and it is possible that the petitioner could try and influence the material witnesses, if the bail is granted at this stage.

6. The petition is, accordingly, dismissed.

7. The petitioner is at liberty to apply afresh after the evidence of the material witnesses has been recorded.

8. It is also directed that the prosecution shall ensure that the material witnesses are examined in the first instance.

VIBHU BAKHRU, J

AUGUST 27, 2020
MK