

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

Date of decision: 07th MAY, 2021

IN THE MATTER OF:

+ BAIL APPLN. 689/2021
WASEEM

..... Petitioner

Through Mr. Deepak Kohli, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Ms. Meenakshi Chauhan, APP for the
State with SI Kalam Singh, PS
Sagarpur.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SUBRAMONIUM PRASAD, J.

1. This is a petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.555/2019 dated 29.11.2019 registered at Police Station Sagarpur for offence punishable under Sections 392, 394, 397, 341, 411 and 34 IPC and Sections 25, 27, 54 and 59 Arms Act.
2. The case of the prosecution is that information was received Police Station Sagarpur on 28.11.2019, which was registered vide DD No.57A, regarding robbery at gun point. On receiving the information, the Police reached the spot. It was found that the complainant had already gone to the hospital. Police reached the hospital and recorded the statement of the

complainant. In his statement, the complainant stated that on 28.11.2019, he was returning from a marriage, at about 9:50 PM. The complainant stated that when he reached Gali No.9, Sagarpur, Delhi, three people came on a bike and stopped their bike in front of the complainant's motorcycle. The complainant stated that one person snatched the key of his bike while the rider fired in the air and all the three persons hit the petitioner on his helmet, snatched the key and the purse which contained the Adhaar Card of the complainant and Rs.145/-. The complainant stated that he shouted for help and when people came out of their houses, the three boys ran away on their bike. It is also stated by the complainant that the number plate of the bike was hidden. On the complaint, FIR No.555/2019 dated 29.11.2019 was registered at Police Station Sagarpur for offences punishable under Sections 392, 394, 397, 341, 411 and 34 IPC and Sections 25, 27, 54 and 59 Arms Act.

3. On 14.12.2019, the petitioner herein was arrested with an illegal pistol in FIR No.566/2019 registered by Police Station Mundali, District Meerut, UP under Sections 25/54/59 of the Arms Act. The Aadhaar Card of the complainant in the present case was recovered from him. The petitioner deposed his involvement in the present case along with two other persons namely Waseem @ Langada @ Padhan and Gufran @ Bhullan. The petitioner was arrested in the present case. An application for TIP

proceeding was moved but the petitioner refused to participate in the TIP proceedings.

4. After completion of the investigation, charge-sheet has been filed. The other two co-accused namely Waseem @ Langada @ Padhan and Gufran @ Bhullan have been declared PO vide order dated 18.12.2020.

5. The petitioner filed an application for bail which was dismissed on 25.06.2020. A second bail application was filed by the petitioner which was also dismissed on 06.08.2020. Another bail application was filed by the petitioner which was dismissed by the learned Additional Session Judge-02, Patiala House Courts, New Delhi, vide order dated 17.09.2020. Thereafter the petitioner moved an application for interim bail for two months which was dismissed on 10.12.2020. The petitioner has now filed the instant petition for grant of bail.

6. Heard Mr. Deepak Kohli, learned counsel appearing for the petitioner and Ms. Meenakshi Chauhan, learned APP appearing for the State and perused the material on record.

7. Mr. Deepak Kohli, learned counsel appearing for the petitioner states that the petitioner was arrested on 14.12.2019 and has been in custody since the last 16 months. He states that the charge-sheet has been filed and there is no likelihood that the charges will be framed in the near future. He further contends that the petitioner has been falsely implicated in this case and therefore the petitioner be granted bail.

8. *Per contra*, Ms. Meenakshi Chauhan, learned APP for the State would contend that the petitioner is a habitual offender and is involved in six cases.

She also contends that the incidences of robbery are increasing substantially and there is very likelihood that if the petitioner is released on bail he would commit further crimes.

9. Mr. Deepak Kohli, learned counsel for the petitioner contends that all the six cases were foisted on the petitioner after he was arrested. He further states that out of the six cases, the petitioner has been exonerated in four cases and he has been released on bail in two of them.

10. Taking into the facts and circumstances of this case and considering the fact that the petitioner is in custody for the last 16 months, charge sheet has been filed and in view of the COVID-19 pandemic, this Court is inclined to grant interim bail of three months to the petitioner on the following conditions:

- a) The petitioner shall furnish a personal bond in the sum of Rs.35,000/- with two sureties of the like amount who should be the relatives of the petitioner to the satisfaction of the Trial Court.
- b) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- c) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.

- d) The petitioner shall not tamper with evidence or exert pressure on the victim.
- e) The petitioner is directed to surrender on or before 07.08.2021 before the concerned Jail Superintendent.

6. It is made clear and needless to state that the observations made in this order are only for the purpose of grant of bail to the petitioner and not on the merits of the case.

7. Accordingly, the bail application is disposed of with the above observations.

SUBRAMONIUM PRASAD, J.

MAY 07, 2021

Rahul