



IN THE HIGH COURT OF DELHI AT NEW DELHI

Order reserved on: 10.05.2022

Order delivered on: 13.05.2022

+ BAIL APPLN. 309/2022 & CRL.M.A. 1672/2022

BHARAT SHARMA

..... Petitioner

Through: Mr.Mohit Mathur, Sr. Advocate with
Mr.Manoj Kohli, Advocate.

versus

THE STATE

..... Respondent

Through: Dr. M.P. Singh, APP for the State
along with Inspector Bineet Kumar
Pandey, P.S. Mundka.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

ANOOP KUMAR MENDIRATTA, J.

1. This is an application under Section 438 Cr.PC filed on behalf of the petitioner for grant of anticipatory bail in FIR No.193/2021 under Sections 408/394/397/365/302/201/34 of IPC at Police Station Mundka.

2. In brief, the case was initially registered under Section 408 IPC on the complaint of one Sanjay Kumar, who alleged that he is working as transporter in the name of Om Roadlines and on 22.03.2021, he got loaded



18176 kgs of steel coils costing about Rs.28,62,386/- in truck bearing No. HR-38 T 8482. The truck driver Ravi Yadav (deceased) did not reach the destination at Wazirpur and Jahangirpuri and was untraceable. During investigation, the truck was located in empty condition. Further, accused Deepak was arrested who disclosed about commission of offence along with Sher Bahadur, Rajesh @ Kana and Rakesh @ Bakra.

Accused Sher Bahadur as well as petitioner Bharat Sharma communicated on the night of 22-23.03.2021. The accused also identified the godown of Bharat Sharma wherein the steel was unloaded. The owner of the godown Suraj Bhan Singh further disclosed that the said godown was rented out to Bharat Sharma in March, 2021 on asking of one Arun and the godown was vacated just within one month.

3. Learned senior counsel for the petitioner contends that the petitioner had joined investigation and had been even granted interim protection for some period by the learned Additional Sessions Judge. It is also contended that the only allegations against the petitioner are as of receiver of stolen goods. The petitioner is further stated to be having clean antecedents and is a law student. The charge-sheet is stated to have been filed.



4. On the other hand, the application has been vehemently opposed by the learned APP for the State. It is submitted that the accused were in touch on the night of commission of offence and the steel was unloaded at the godown of the petitioner which has been vacated within a month of renting of the godown. It is also submitted that the CDRs details duly support the connectivity between the co-accused and the petitioner. It is also contended that the petitioner failed to cooperate during investigation and the case property is yet to be recovered. The charge-sheet is admitted to have been filed qua co-accused but the investigation against the petitioner is pending since he was on interim protection.

5. I have given considered thought to the contentions raised. It may be noticed that the case property is yet to be recovered and as such the custodial interrogation of the petitioner is required. The fact that the petitioner did not cooperate in investigation also dis-entitles him for grant of any protection at this stage. Considering the gravity of the offence and the role of the accused, no grounds for anticipatory bail are made out.

For the foregoing reasons, the application is dismissed.

(ANOOP KUMAR MENDIRATTA)
JUDGE

May 13, 2022/A