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

% *Order pronounced on 16.08.2022*

+ BAIL APPLN. 797/2022

SARIK @SHARIK Petitioner

Through: Mr. Ashok Kumar, Adv.

versus

STATE OF DELHI Respondent

Through: Mr. N.S. Bajwa, APP for State.

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. This is an application filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No. 236/2020, under Sections 356/379/392/397/411/34 IPC, registered at PS Anand Parbat.
2. Earlier bail application of applicant was dismissed by the learned Sessions Court on 25.01.2022. Co-accused Mukul was released on bail by the learned Sessions Court on 09.02.2021 and co-accused Irshad @Mustakeem @ Mulla was ordered to be released on bail on 11.01.2022. As per the petitioner, he has been falsely implicated in the present case. The petitioner had lodged a complaint against the police officials, so, the police officials have falsely implicated the petitioner; he is not named in the FIR; there is no incriminating evidence against him; there is no eye-witness and; he is no longer required for the purpose of investigation. The petitioner is a permanent resident of Delhi and there is no possibility of his absconding



during trial. The charge-sheet stands filed. There are material contradictions in the evidence of the complainant/witness. Under these circumstances, the petitioner has prayed for bail.

3. Notice was issued. Nominal Roll was called. Status Report has been filed. The Nominal Roll shows that as on 10.05.2022 the petitioner is in custody for 1 year 7 months and 29 days. His conduct is stated to be unsatisfactory. One mobile phone alongwith an active *SIM* was recovered from the possession of the present petitioner during surprise check on 05.02.2022. Again on 11.04.2022, another mobile phone was recovered from his possession.

4. In the Status Report, it has been mentioned that on 28.08.2020 the present case was registered on the complaint of the complainant, who stated that he was going on his bike at around 00:15 hours, when two unknown persons intercepted his bike, robbed him of his motorcycle at gun point and he further stated that he can identify both the accused persons, if they are shown to him.

5. The present applicant Sharik and co-accused Mukul were arrested in case FIR No. 323/2020 under Section 25 of the Arms Act, PS Seelampur and he made a disclosure statement in the said case and on the basis of that statement, the motorcycle was recovered at the instance of Sharik and Mukul, and thereafter, both of them were arrested in the present case. Later on, the third accused Irshad @Mustakeem @ Mulla was also arrested in case FIR No. 222/2020, PS Timarpur and he also admitted his involvement in the case. Charge-sheet was initially filed against the present applicant and the co-accused Mukul under Section 411/34 IPC. TIP got conducted on 17.11.2020, in which both the accused, namely, Sharik and Irshad were



correctly identified by the complainant, so Supplementary Charge-Sheet under Section 392/397/411/34 IPC against the accused Sharik and Irshad was submitted before the concerned Court. Charges have been framed and the complainant has also been examined, who has supported the prosecution case. It has been submitted that the present applicant is a hard-core criminal and he has been involved in 54 other cases. List of such cases has been annexed as Annexure-A to the Status Report. In view of this, it has been prayed that the grant of bail of present accused be dismissed.

6. I have heard the arguments. The present applicant is stated to be involved in as many as 54 cases from 2012 onwards. Out of these 54 cases, in three cases Charge-Sheet stands filed, three cases are still pending investigation, and five cases have been compounded. He has been acquitted in one case and discharged in another case and in 25 cases, he has been released from custody. The said history of the cases show that every time he is released on bail, he again indulges in a similar type of crime and in case he is again released in the present case, this list of 54 cases will add certain more cases and it will become longer and longer.

6.1 The recording of evidence is still going on. The reliance on the bail order in respect of co-accused is of no help to present accused as the facts related to the role of the said co-accused is different from the present accused and the previous involvement in 54 cases as in the case of present accused may not be there.

7. Keeping in view the facts and circumstances of the case and especially the fact of involvement in 54 criminal cases during the last one decade, I am not inclined to grant bail to the present accused/applicant at this stage.



8. The application is dismissed.

TALWANT SINGH, J

AUGUST 16, 2022/mr

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