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

% *Order pronounced on 26.08.2022*

+ BAIL APPLN. 979/2022

DEVENDER Petitioner

Through: Mr. Rajneesh Kapoor & Mr. S.S.
Rawat, Advs.

versus

THE STATE OF NCT OF DELHI Respondent

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

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. The petitioner has moved the present application for bail in case FIR No. 611/2021 registered under Sections 392/397/411/34 IPC, at PS Seemapuri.

1.1 The petitioner is stated to be in judicial custody since 11.10.2021. It has been submitted that the petitioner has been falsely implicated in this case, charge-sheet stands filed and the matter is pending before the learned ASJ. Co-accused has already been granted bail by the learned MM on 31.01.2022. The bail application moved by the present petitioner before learned ASJ was dismissed on 11.03.2022. Hence the present bail application has been moved.

1.2 In the grounds of bail, it is mentioned that the petitioner is aged about 23 years and has a family to support; the FIR was registered on false and



bogus facts; on 11.10.2021 at about 4:00 P.M. some police officials of PS Seemapuri visited the house of the petitioner and he was taken to the police station for some enquiry; he was falsely implicated in the present case and arrested; the petitioner was not present on the spot and nothing has been recovered from the possession of the petitioner / accused or at his instance; he has no concern with the offence and he has been falsely implicated by the police officials; occurrence is stated to have taken place on 11.10.2021 at about 07:30 hours but FIR was registered at 18:45 hours i.e. after 11 hours and 15 minutes, there is no explanation for delay in the FIR; the accused is in judicial custody since 11.10.2021; co-accused Deepak has already been granted bail by the learned MM on 31.01.2022 and accused is not required for any kind of investigation as the charge-sheet stands filed.

2. Notice was issued.

2.1 In the Status Report, it has been mentioned that the present case was registered on the statement of one Vivek regarding incident of robbery happened with him by 4 unknown persons on 11.10.2021. Complainant had come from Himachal Pradesh and he wanted to go to his native village Kashganj UP. He hired an EECO car in which three persons were already sitting. As a precaution, he had taken a photo of the number plate and sent it to one of his known person named Bijender. He was robbed near garbage dump, Tahirpur. He was robbed inside the car by the other occupants by showing knife and after robbing they left the complainant at CNG Pump, Tahirpur and ran away.

2.2 Search of the accused persons was made and on the same day the petitioner and co-accused Hariom were arrested from A Block, DDA Park, New Seema Puri in the presence of the complainant. Accused persons were



interrogated. During intettoration they admitted about committing the robbery with the complainant. Petitioner was sitting on the back seat of EECO car, which was used for commission of the crime. The vehicle was recovered at the instance of the co-accused Hariom and from inside the vehicle looted bag containing Adhar Card and clothes of complainant were recovered. The vehicle was registered in the name of the Ms. Kamlesh, W/o Chokhe Lal, who is mother of the co-accused Hariom. The present petitioner was arrested. The charge-sheet was submitted before Court on 11.12.2021. The case is at the stage of prosecution evidence. If the petitioner is admitted to bail, he may threaten the complainant and witness of the case.

3. The accused/applicant is in judicial custody since 11.10.2021. The charge-sheet stands filed and charges have been framed. The matter is now fixed for recording of evidence. The complainant is a native of Kashganj UP, who was coming back from Himachal Pradesh, so apparently there is no occasion to presume that the present petitioner will be in a position to coerce or threaten the said witness if appropriate conditions are incorporated in the bail order.

3.1 Recording of evidence will take some time and the petitioner has a family to support.

4. Keeping the above facts in view, I am inclined to order release of the present petitioner on bail on execution of personal bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the concerned Court subject to the following conditions:-

- (i) He shall share his mobile number with the IO within three days of his release and keep the mobile location app on at all times;
- (ii) The petitioner shall not leave the territory of Delhi without



specific permission from the Trial Court;

(iii) The petitioner shall not contact, coerce or influence the complainant and the prosecution witnesses.

(iv) If the petitioner commits an offence of the same type again, the police authorities as well as the complainant has a right to move an application for cancellation of bail;

(v) The petitioner shall attend the Trial Court on each and every date when the matter is listed.

5. Ordered accordingly.

6. Bail application is disposed of.

TALWANT SINGH, J

AUGUST 26, 2022

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[Click here to check corrigendum, if any](#)