



\$~6

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

+ **BAIL APPLN. 2214/2023**

SURENDER PASWAN

..... Petitioner

Through: **Mr.J.P.Singh and Mr.Vikrant Singh,**
Advocates

versus

THE STATE NCT OF DELHI

..... Respondent

Through: **Mr.Amit Sahni, APP for the State.**
Mr.Yakub Khan, PS NDRS New
Delhi.

%

Date of Decision: 25.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been moved seeking bail in FIR No.53/2019 registered under Section 394/395/120-B/34/174-A IPC at PS New Delhi Railway Station.
2. As per status report, the present F.I.R. No. dated 10.05.2019 was registered on the complaint by Shri Babu Lal Yadav, resident of Siwan, Bihar. Facts of the case in brief are that on 09.05.2019, the complainant was on a train journey to Bihar and was in possession of gold items of

BAIL APPLN. 2214/2023

Page 1 of 3



M/s Ranji Jewellers, Shankar Jewellers and Shilpi Jewellers of Siwan. At about 7:00PM, at the New Delhi Railway Station, four people boarded the train and started beating the complainant, looted the gold items in his possession and then fled from the scene. The suspects were zeroed down from the CCTV footage of the cameras at shop of Ramanand, Abha Diamonds & Teju Fashion Shop identifying the accused persons, namely Santosh Paswan, Mukesh Sharma, Sahil & Dinesh. The mobile phone recovered from the scene of occurrence, bearing No. 8757058081, was registered in the name of the present applicant; Surender Paswan S/o Rajkumar Paswan Rlo Village Bardish, Post Malhari, PS Imam Ganj, Disitt. Gaya, Bihar.

3. Learned counsel for the petitioner submits that all other accused persons have already been admitted to bail. Learned counsel submits that except the disclosure statement made by the co-accused, there is no evidence against him. It has also been submitted that merely because the mobile phone found on the spot was registered in the name of the petitioner, he may not be kept in custody.
4. The jurisprudence regarding bail is very well settled. The court at this stage has to only see the prima facie case. The court cannot enter into meticulous examination of the case. Since, the co-accused persons have already been admitted to bail and there is no plea on the part of the State that there is possibility of fleeing away from justice or threatening or intimidating the witnesses.
5. Taking into account the facts and circumstances of the case, the petitioner is admitted to bail on his furnishing a personal bond of



Rs.15,000/- with one surety of the like amount to the satisfaction of the learned trial court, subject to the following conditions:

- a. the Petitioner shall under no circumstances leave India without prior permission of the concerned Court;
 - b. the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - c. the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational;
 - d. In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Court concerned by way of an affidavit.
7. Petition stands disposed of.
 8. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

AUGUST 25, 2023

rb