



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

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Reserved on : 02.11.2023

Pronounced on : 29.11.2023

+ **BAIL APPLN. 2455/2023**

GULSHAN @ AMAN

..... Petitioner

Through: Mr. Hemant Singh, Advocate
(DHCLSC)

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with PSI Deepak Kumar, P.S.Paschim
Vihar West.

**CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

ORDER

RAJNISH BHATNAGAR, J.

1. The present application has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No. 775/2021 under Sections 395/411/34 IPC registered at Police Station Paschim Vihar West.
2. In brief the facts of the case are that on 21.08.2021 at around 1:40 am, a PCR call vide DD No. 12A was received in P.S. Paschim Vihar West. ASI Ramji Lal along with Ct. Rakesh rushed to the place of incident where he met the complainant, namely, Shivam, who stated that he works as a driver and on the date of the incident he was driving a Truck Reg No.-HR-46D-



8295, which was loaded with building material dust from Dadri, Haryana. The truck was also boarded by two labourers, namely, Shiv Kumar and Pankaj who had to empty the said truck at the site. When they reached near Ramlila Park, Jawalapuri, Delhi near Ganda Nala Pul Nihar Vihar, 5-6 boys on three motorcycles came from the front and stopped the truck. Thereafter, two boys entered the truck from both driver and conductor side and they were also carrying weapons and knives with them. The accused persons robbed a mobile phone and Rs. 600/- from the driver – Shivam, a mobile and Rs. 3000/- from Shiv Kumar and Rs. 400/- from Pankaj, and then they fled away from the spot. As a result, case FIR No. 775/21 under Section 395/411/34 IPC was registered at Police Station Paschim Vihar West.

3. I have heard the learned counsel for the petitioner, learned APP for the State and perused the status report filed by the State.

4. Learned counsel for the petitioner submitted that the petitioner is a young boy aged 22 years who is in judicial custody since 05.09.2021. He further submitted that all the material witnesses have been examined and only the police witnesses remain to be examined. He further submitted that the petitioner is the sole bread earner of the family and his old parent, one brother and one sister are completely dependent upon the petitioner for their livelihood. He further submitted that the investigation has already been completed and chargesheet has also been filed and therefore, the petitioner is no longer required for the investigation. He further submitted that the trial is likely to take a long time to conclude and, therefore, it is prayed that the petitioner may be released on bail.

5. On the contrary, learned APP while vehemently opposing the present bail application has argued on the lines of the status report. Learned APP



submitted that the petitioner along with co-accused persons was riding a stolen Apache motorcycle and he was also carrying a country made pistol. He further submitted that co-accused were on stolen motorcycles of make NS Pulsar and KTM and they were also carrying knives and a country made pistol. He further submitted that the petitioner along with co-accused persons forcefully entered into the truck and robbed two mobile phones and Rs. 24,000/- from the truck drivers and labourers and, therefore, they fled away from the spot towards Paschim Vihar whereupon after reaching near Ramlila Park, Jawalapuri they saw another truck and looted that truck in a similar manner by robbing two mobile phones and Rs. 4000/- from the truck drivers and the labourers. He further submitted that the case is pending trial and is at the stage of prosecution evidence. Lastly, he submitted the petitioner is a habitual offender and is involved in several other criminal cases.

6. In the instant case, there are specific allegations against the petitioner of carrying a country made pistol while riding a stolen Apache motorcycle and of robbing two mobile phones and Rs. 24,000/- from the Truck driver and labourers along with co-accused persons. Furthermore, the petitioner has criminal antecedents and is involved in numerous other cases of dacoity, robbery and theft.

7. Keeping in view the circumstances of this case and the fact that the allegations against the petitioner are serious in nature, moreover, looking into the previous involvements of the petitioner in offences of similar nature, no benefit can be given to him at this stage and the bail application along with pending application, if any, is, therefore, dismissed.



2023:DHC:8538



8. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

NOVEMBER 29 ,2023/_p