



\$~39

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

+ **BAIL APPLN. 389/2024**

IMRAN SHEIKH

..... Petitioner

Through: Mr Kapil Sigal, Adv.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with ASI Mahadeva, P.S.
Bharat Nagar

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

20.05.2024

%

[Physical Hearing/Hybrid Hearing (as per request)]

1. Since the learned Judge holding the roster bench is on leave today, this matter has been assigned to this Court.
2. This is an application for grant of anticipatory bail. In furtherance of last order, it is submitted by learned APP on instructions from Investigation Officer ('IO') that the petitioner has joined investigation but is not clearly responding to the queries.
3. The role attributed to the petitioner is that he helped in disbursement of the robbed money to the tune of Rs. 80,000/-, out of which Rs. 40,000/- has already been deposited by the petitioner in this Court.
4. On behalf of petitioner it is contended that at request of his friend Amit Rohilla, whose friend was in financial need, the petitioner got



transferred in his bank account a sum of Rs. 40,000/- and withdrew the same from ATM and delivered it to Amit Rohilla, who delivered the same to his friend. Regarding the balance Rs. 40,000/-, the IO submits that the said amount was transferred in the Paytm account of the petitioner through UPI on mobile phone number 9821753048. But there is no evidence collected presently to show that the said number is held by the petitioner.

5. Most importantly, the IO submits that after last order dated 02.04.2024, the petitioner had once joined the investigation, though according to the petitioner, he joined investigation on four occasions. But the case diary of the IO goes silent after 28.01.2024. In other words, despite the fact that the petitioner joined investigation after 02.04.2024, no case diary was written. *Prima facie* that puts a question mark on the manner in which investigation is being carried out. As regards contention that the petitioner is not answering the questions, this cannot be a circumstance to say that the accused is not joining investigation. The accused cannot be saddled with duty not to remain silent during investigation.

6. Considering these circumstances, the petition is allowed. In the event of arrest, the petitioner shall be immediately released on bail subject to furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of IO/SHO concerned.

GIRISH KATHPALIA, J

MAY 20, 2024/rk

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