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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 697/2024**

RAHUL @ RITESH @ SONUPetitioner
Through: **Mr. Gulshan Sharma, Adv.**

versus

THE STATE GOVT.OF NCT OF DELHIRespondent
Through: **Mr. Raghuinder Verma, APP for State**
with SI Ramavtar, PS Hauz Khas.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
26.07.2024

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1. The present bail application has been moved under Section 439 read with Section 482 Cr.P.C. seeking regular bail in case FIR No. 0176/2023 registered at PS Hauz Khas under Sections 392/397/398/411/120B/34 of IPC.
2. Facts in brief are that, on the receipt of a PCR call at PS Hauz Khas at 4.37 pm on 10.05.2023, the police reached on the spot, wherein complainant Ram Janam Safi @ Dilip was present with his colleague Shanker @ Ramu Kumar. The complainant informed that he was working as a salesman at Sanvi Diamonds, Bank Street, Karol Bagh, New Delhi. He alleged that at about 1.00 pm on 10.05.2023, he along with his colleague left the shop with 181 items of jewellery for selling them at various jewellery shops at Kalkaji Market. The complainant stated that none of the jewelers purchased the jewellery items and therefore, they were going to Malik Jewellers. The complainant further stated that as they reached Outer Ring Road, they stopped at roadside to drink water.



3. Then two men came on a scooty and caught them. The complainant alleged that one of them took out a pistol from his pocket and pointed at the head of Shanker and another man took out a spray bottle and tried to spray over the complainant. The complainant alleged that thereafter both started demanding the jewellery bag and threatened to fire. The complainant stated that in the meantime, he escaped from there and both the persons snatched the bag from the hand of Shanker and ran towards IIT red light on the scooty.

4. In the status report, the prosecution stated that on inspection of crime spot by the crime team, a live cartridge was found. The scooty used in committing the crime was traced. The police conducted a raid in Noor Sarai on 13.05.2023 and accused Pinku Kumar @ Pinnu was apprehended. During investigation, upon his interrogation, a necklace was recovered from his house. The accused/petitioner Rahul was also arrested from Bihar Sharif. During investigation, it was found that a conspiracy was entered into amongst the accused persons, who were all resident of Bihar Sharif and they made a plan to rob the gold and diamond salesman. Co-accused Ajay Kumar Verma will give tips about the movement of the salesman. The role of co-accused Ranjan was to give information about the topography of Karol Bagh and it was decided that Pinku Kumar @ Pinnu and present accused Rahul will execute the robbery.

5. As per status report, co-accused Rintu Kumar @ Bhosu Bhai Yadav, Rajesh Kumar and Abhishek Kumar @ Tunna were supposed to dispose of the looted jewellery. The pistol was provided by Rintu and money was provided by Rajesh for executing the crime.

6. As per status report, the present petitioner got recovered 80 items



from his rented accommodation in Bihar Sharif dated 22.05.2023. It has also been submitted in the status report that present petitioner was chasing the victim for the last many days alongwith his associates and they participated in the commission of crime and robbed the complainant on gut point.

7. Learned counsel for the petitioner submits that three co-accused namely Ajay Kumar Verma, Ranjan Verma and Abhishek have already been admitted to bail. Learned counsel has also submitted that only charges under Section 392/34/120B IPC were framed. Learned counsel states at bar that charges under Sections 397/398 IPC and Arms Act has not been framed against the petitioner.

8. The learned Additional PP has opposed the bail application on the grounds that it is a serious offense in which the petitioner, along with other co-accused, looted a significant amount of gold jewelry. The learned Additional PP submits that the recovery has already been made. It has also been submitted that if the petitioner is enlarged on bail, he may not attend the trial.

9. It is a settled proposition that the purpose of keeping the person in custody during the course of trial, is to secure his presence. Such detention cannot be taken as a punitive measure. The accused is in custody since 13.05.2023. The petitioner/accused is a young boy of 33 years of age. This Court at this stage is not required to meticulously examine the facts of the case nor the probative value of the witnesses.

10. Considering the totality of facts and circumstances, the petitioner is admitted to bail on furnishing a personal bond in the sum of Rs. 20,000/- (Rupees Twenty Five Thousand only) with one surety of like amount to the satisfaction of learned Trial Court, subject to the conditions:



- a) the Petitioner shall not change his residential address and/or mobile number;
- b) the Petitioner shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
- c) the Petitioner shall not leave India without prior permission of the Court concerned;
- d) thePetitioner shall not contact or influence the prosecution witnesses in any manner;
- e) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

Application stands disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

DINESH KUMAR SHARMA, J

JULY 26, 2024/akc..