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

+ **BAIL APPLN. 978/2023**

ARUN LOHIA @ NEETU

..... Applicant

Through: Mr.Ashok Kumar Soni,
Ms.Zeba Parveen, Ms.Diksha,
Advs.

versus

STATE GNCT OF DELHI

..... Respondent

Through: Mr.Aman Usman, APP with SI
Opendar Singh, Insp. Nipun
Kumar

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

04.03.2024

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1. This application has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for the applicant to be released on Regular Bail in FIR No.681/2013 registered at Police Station: Vasant Kunj (South), New Delhi, under Sections 186/332/353/307/394/34/120B of the Indian Penal Code, 1860 (in short, 'IPC').
2. I must herein note that though the FIR was registered under Section 307 of the IPC, later a charge under Section 302 of the IPC was added against the applicant. However, vide order dated 20.02.2019, charge under Section 120B of the IPC read with Sections 186/332/353/304/34/174A of the IPC was framed against the applicant.
3. The present FIR was registered on the statement of Ct.



Shokender Singh, who is posted in Excise Department, Delhi. He stated that on the intervening night of 27.12.13 – 28.12.13 at about 1:30 am, he along with his friend noticed a car that was pressed from the rear side and suspected it to be carrying illegal liquor. They tried to stop the same but the suspect car fled. While chasing and stopping the same, the applicant and the complainant along with others got into a physical altercation. The accused persons beat the complainant, and one of the accused persons also took his purse containing some money and an official Identity Card. The complaint along with the other constable fled the scene, brutally beaten, to save their life, and thereafter, made a call to the PCR.

4. The learned APP for the State submits that the Applicant has been declared as a Proclaimed Offender on 10.08.2016 and was arrested on 10.10.2018. The allegations against him are heinous in nature and he has previous criminal antecedents as well.
5. I have considered the submissions made. Though earlier the applicant had been declared as a Proclaimed Offender, however, during the Covid-19 pandemic, pursuant to the HPC guidelines, he was granted interim bail between 06.06.2020 to 23.03.2021. The applicant did not misuse the said indulgence and had surrendered on his own.
6. The Nominal Roll of the applicant indicates that the applicant has already undergone custody of more than 4 years and 7 months. The applicant himself discloses his involvement in 5 other cases, out of which in 4 he was acquitted. In one of them, that is, FIR



no.465/2009, registered under Section 379 of the IPC registered at P.S. Vasant Kunj, vide order dated 14.12.2012, he was convicted and has already undergone the sentence awarded therein. The co-accused has been released on bail vide order dated 14.09.2016.

7. The prosecution has cited 95 witnesses, out of which, only 26 have been examined so far and the trial is not likely to conclude any time in near future.
8. Keeping in view the above circumstances, the applicant is directed to be released on bail in FIR No.681/2013 registered at Police Station: Vasant Kunj (South), New Delhi, under Sections 186/332/353/307/34/120B of the IPC, on furnishing a personal bond in the sum of Rs.50,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:
 - i. The Applicant will not leave the country without the prior permission of the learned Trial Court.
 - ii. The Applicant shall provide his permanent address to the learned Trial Court. The applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his residential address.
 - iii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in a working condition at all times and shall not



be switched off or changed by him without prior intimation to the learned Trial Court and the IO/Duty Officer concerned. The mobile location be kept on at all times.

- v. The Applicant shall not indulge in any criminal activity.
- vi. The Applicant shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses, the victim or any member of the victim's family or tamper with the evidence of the case while being released on bail.
- vii. The applicant shall report before the concerned IO/Duty Officer every week.

9. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the matter.

10. The Bail Application is disposed of in the above terms.

11. A copy of this order be sent to the Jail Superintendent for information and necessary compliance.

NAVIN CHAWLA, J

MARCH 4, 2024
RN/am

Click here to check corrigendum, if any