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

+ **BAIL APPLN. 845/2024**

**ASHISH @ ANUP**

..... Petitioner

Through: Mr. Harsh Hardy and Ashwani  
Sharma, Advs.

versus

**THE STATE OF NCT OF DELHI AND ANR.** ..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for  
State with SI Sanjay Kumar PS  
Lahori Gate

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

**17.05.2024**

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1. The present petition has been filed seeking regular bail in connection with FIR No. 39/2019 under Sections 394/397/307/411/174A/120B/34 IPC and under Sections 25/27 Arms Act, registered at Police Station Lahori Gate.
2. The case of the prosecution is that the petitioner alongwith other co-accused persons namely, Deepak @ Gadad, Prashant @ Jontu and Parvinder @ Kala committed robbery of around Rs. 25 Lakhs from the complainant Shyam Sunder Singhanian and his son Anjani at the office of the complainant and while committing the robbery the accused persons were armed with pistols. When the son of the complainant namely Anjani resisted, one of the accused persons fired bullet at him during which he suffered gun shot injury.
3. The learned counsel for the petitioner submits that the co-accused



persons namely, Vinod, Deepak and Parvinder have already been granted bail.

4. He submits that the circumstance which has been pressed against the present petitioner is that the petitioner was identified in the CCTV footage. The learned counsel submits that the CCTV footage relied upon by the prosecution is not clear and further it is the case of the prosecution itself that the persons who had committed robbery had muffled their faces. In such a situation there was no occasion for the petitioner having been identified.

5. He further submits that no recovery has been made from the present petitioner. The recovery of robbed amount as per prosecution version has been made from co-accused Kanta, who is mother of co-accused Jontu. As per the allegations made in the chargesheet the gunshot injury has also been attributed to co-accused Jontu.

6. It is further the contention of the learned counsel that the petitioner is in custody since 24.04.2019 and the investigation in the matter is complete therefore the custody of the petitioner is no more required.

7. *Per contra*, the learned APP has argued on the lines of the status report. Additionally, he submits that the present petitioner has been identified by Rupesh on the basis of the CCTV footage.

8. I have heard the learned counsel for the petitioner, as well as, learned APP for the State and have perused the record.

9. It is not in dispute that the allegations against the present petitioner are similar to that of other co-accused namely, Vinod, Deepak and Parvinder who have already been enlarged on bail. It is also not in dispute that no recovery has been effected from the present petitioner or at his instance.

10. Further, the investigation in the matter is complete and the



chargesheet has been filed, therefore, the custody of the petitioner is no more required.

11. It is not the case of the prosecution in the status report that the petitioner is a flight risk.

12. Considering the fact that the petitioner is similarly situated as other co-accused who have already been enlarged on bail and considering the other factors enumerated above, the petitioner is also entitled to the regular bail.

13. In view of the above, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.

b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

14. The petition stands disposed of.

15. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

16. Copy of the order be forwarded to the concerned Jail Superintendent



for necessary compliance and information.

17. Order be uploaded on the website of this Court.
18. Order *dasti* under signatures of the Court Master.

**VIKAS MAHAJAN, J**

**MAY 17, 2024**  
**N.S. ASWAL**