



\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1223/2024**
PANKAJ SARASWAT@ GIRDHARI

.....Petitioner
Through: Mr. Subhash Solanki, M.r Abhay
Bhati, Mr. Jitender Chahan, Mr. Ankit
Gulyani, M.r Nitin Phogat, Ms.
Himanshi Kapoor and Ms. Neha
Pawar, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent
Through: Ms. Richa Dhawan, Ld. APP for State
with SI Parveen Kumar P.S. Lahori
Gate.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
24.07.2024

%

1. A Regular Bail Application under Section 439 Cr.P.C has been filed on behalf of the petitioner in case FIR No.0170/2022 under Sections 342/392/397/34/120B IPC registered at Police Station Lahori Gate.
2. It is submitted in the application that the petitioner has been arrested in the FIR on 20.02.2022 from Rajasthan. It is claimed that he has deep roots in the Society and he is sole bread earner of the family. He has been falsely implicated in the present case. He was not present at scene of crime. The public witnesses have already been examined. There is no likelihood of his tampering with the evidence or absconding. He undertakes to remain



bound by the terms of the bail.

3. Learned Prosecutor has contested the bail application on the ground that the petitioner is the main conspirator of the entire commission of offence as the premises has been rented in his name. Recovery of Rs.8 lakh has also been made from him. It is claimed that looking at the active role of the petitioner, his complicity and the gravity of the offence, along with the fact that he had refused the TIP, the bail has been opposed.

4. **Submissions heard.**

5. The prosecution story is that Manoj Kumar Jain who works for Mahesh Kumar Rohira as an office caretaker and payment collection agent, received a phone call from his employer at around 11:30 A.M and was asked about the number of ten rupee note that he was carrying at that time in his pocket. According to the complainant, he dictated the ten rupee note number to his employer. Thereafter, his employer gave him two mobile phone numbers i.e.9462495338 and 9289847726 and told him that the complainant would coordinate with the person whose number he had given over the call and to give the said ten rupee note to the person and to collect the payment of Rs.30 lakhs from that person. The complainant called the said phone number and upon his instructions reached near Lahori Gate chowk, where he met a young boy who took him to a building and at gunpoint he was forced to tell his employer that he has received the payment of rupees 30 lakhs when in fact no such payment had been received. The employer upon receipt of such information allowed the payment of Rs.30 lakh to be given to the acquaintances of the people who had kept the complainant on gunpoint in Agra.

6. All the public witnesses have already been examined. The petitioner



was arrested on 20.02.2022. Though, the learned counsel for the petitioner as well as the learned Prosecutor has argued in detail about the strengths and weaknesses in the testimony of witnesses, but at this stage the Court ought not to examine the evidence which has come on record to ascertain the complicity of the accused.

7. Considering the incarceration of the petitioner in custody since February, 2022 and that all the public witnesses already stands recorded, the petitioner, he is hereby admitted to bail on the following conditions:-

- a) The petitioner/accused shall furnish a personal bond of Rs.40,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The petitioner/accused 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 intimate to the Investigating Officer concerned.
- d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
- e) The petitioner/accused shall not leave the country, without permission of this Court.
- f) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.



8. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JULY 24, 2024/va