



\$~3

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

+ **BAIL APPLN. 1669/2023**

SAGAR RAWAT @ KALA

..... Petitioner

Through: Mr. B.K. Patra, Advocate.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP for the State.

SI Arvind Kumar, SHO and Insp. S. Tiwari, PS Sangam Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.03.2024

%

1. This is the third application under Section 439 read with Section 482 of the CrPC seeking regular bail in case FIR No. 55/2019, under Sections 392/397/411/34 of the IPC, registered at P.S. Sangam Vihar, Delhi.

2. The case of the prosecution, as per the status report dated 17.08.2023 authored by SHO, PS. Sangam Vihar is as under:-

“1. Briefly stated facts of the case are that a PCR call regarding "AT BATRA HOSPITAL, MB ROAD, DELHI THREE BOYS IN A BLACK HONDA CITY CAR HIT PCR CALLER'S CAR BEARING REG. NO. DL-12-8-6104 AND ROBBED HIS CAR BY SHOWING HIM A PISTOL AND FLED AWAY FROM THE SPOT" was received at PS Sangam Vihar vide DD No. 11A dated 13/02/2019 at about 6AM. The Same was entrusted to 10/51 Megha Ram who reached at the spot where PCR caller Deepak Kumar S/o Sh. Suresh Kumar R/o H.No. A-24/10, Mithapur Extension, Badarpur, New Delhi was found to be present who was examined and his statement was recorded wherein he stated that he was a driver of Uber Cab and on 13/02/2019 at around 4.20AM he was going home after dropping passenger at DLF Phase -II, Gurgaon and at around 5.30AM, when he reached near Batra Hospital, MB Road, Delhi one black colour Honda City car hit his cab from behind. When he



stopped his cab a little bit ahead on the side of the road to see the damage, that Honda City car also stopped parallel to his cab. One boy who was sitting in the front seat on the left side of the driver's seat came out from black Honda City car and sat inside driver seat of his cab. Upon this, the complainant Deepak asked the boy to come out from his cab, that boy took out a pistol and pointed out on the complainant and told him to stay away from the cab. Seeing all this, the complainant Deepak Kumar was got frightened and moved back from his cab and the accused persons fled away from the spot with his cab (Make - Maruti Suzuki Swift Dzire bearing reg. no. DL-12B-6104). The driver and another boy in Honda City car also drove away from the spot. Thereafter, on the statement of the Complainant Deepak Kumar the above-mentioned case was registered at PS Sangam Vihar.

2. During the course of investigation, supplementary statement U/s 161 CrPC of the complainant was also recorded wherein he stated that his two mobile phones one make of VIVO and another was of MI, one purse containing documents i.e. Driving Licence, PAN card, Aadhaar Card and ATM Card were kept in his cab. The accused persons also took away his aforesaid twp mobile phones and purse with his cab.

3. On 15/02/2019, an information regarding arrest of accused persons namely Sagar Rawat @ Kala S/o Sanjay R/o H.No. 60-C, Humayunpur, Safdarjung Enclave, New Delhl and Rohit @ Chotu S/o Mangal Singh R/o H.No. 368, Chauhan Mohalla, Madanpur Khadar, New Delhi by the staff of PS Mehraulf was received at PS Sangam Vihar. Both the accused persons were arrested vide DD No. 91A dated 15/02/2019 U/s 41.1(D) CrPC PS Mehrauli. A Swift Dzire car bearing reg, no. DL-128-6104 was also recovered at instance of the above said accused persons.

4. Thereafter, both the accused persons were produced before the concerned Hon'ble Court in muffled face and subsequently, they were formally arrested in the present case. Further, two days PC remand of both the accused persons was obtained from the Hon'ble Court. During police custody remand, both the mobile phones and a purse containing documents of complainant were recovered at the instance of accused Rohit @ Chotu.

5. Further, Judicial TIP proceedings of both the accused persons was conducted in which the complainant Deepak Kumar successfully identified both the accused persons. During investigation, it was revealed that the accused Rohit @ Chotu was the main accused who carried the pistol and drove away the complainant's cab by showing and threatening him with the firearm.”



3. Learned counsel appearing on behalf of the applicant submits that the latter is in judicial custody since 19.02.2019. It is pointed out that all the public witnesses including the complainant have been examined before the learned Trial Court. It is further pointed out that the trial is likely to take a further time. It is submitted that as per the prosecution the present applicant was not carrying the firearm. It is further submitted that the applicant is on bail in the other cases and he is ready and willing to abide by any terms and conditions in case he is granted bail.

4. *Per contra*, learned APP for the State, on instructions from the Investigating Officer, submits that the complainant, during his examination before the learned Trial Court, has supported the case of the prosecution. It is further submitted that the applicant has been involved in other cases as well.

5. Heard learned counsel for the parties and perused the record.

6. On the last date of hearing, a detailed status report was sought with respect to the pending cases against the present applicant. As per the status report dated 28.02.2024, the applicant is involved in three other cases and is on bail on the said cases. The nominal roll reflects that the applicant has been in custody since 19.02.2019 and has already undergone incarceration for a period of 04 years and 06 months as on 19.08.2023. It is further pointed out that 9 public witnesses remain to be examined.

7. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:



- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in 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 is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
- vi. The applicant shall report at the concerned Police Station on every Second Saturday of the month at 04:00 PM and the concerned officer is directed to release him by 05:00 PM after recording his presence and completion of all the necessary formalities.
8. The application is allowed and disposed of accordingly.
9. Pending application(s), if any, also stand disposed of.
10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 01, 2024/sn