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

+ **BAIL APPLN. 1485/2024**

DHARMENDER KUMAR

.....Petitioner

Through: Mr. Anil Shukla, Mr. Akhilesh
Dwivedi and Ms. Puja Dubey, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Gajender, PS Punjabi
Bagh.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

09.07.2024

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1. This appeal has been filed seeking regular bail in FIR No.840/2021 PS Punjabi Bagh under Sections 420/406 IPC. The petitioner has been incarcerated since 23rd December, 2023. It is stated that the charge-sheet has already been filed. Counsel for the petitioner states that the FIR does not reflect the name of the petitioner and the allegation is against the main accused Raju.

2. On his disclosure, the petitioner was arrested alleging that the victim was the mastermind behind the conspiracy to cheat the complainant by promising them to sell copper scrap for an amount of Rs.20 Lacs. Counsel for the petitioner further states that no money has been traced in the account of the accused/petitioner, whereas money has been traced in the account of S.K. Trading.



3. APP for the State has refuted the same stating that the petitioner was the mastermind. As per statement recorded under Section 161 Cr.P.C. accused Raju became an approver, and the investigation roped in the petitioner.

4. However, since the charge-sheet has been filed and the investigation has been completed and charges are under Sections 420/406 IPC, there will be no purpose in keeping the petitioner in custody any further.

5. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall



not switch off or change the mobile number without prior intimation to the IO concerned.

- vi. Petitioner will mark his presence through videoconferencing before the concerned I.O. every Wednesday at 4:00 P.M.
 - vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
6. Needless to state, but 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 merits of the matter.
 7. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
 8. Accordingly, the petition is disposed of. Pending applications, if any, are disposed of as infructuous.
 9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 9, 2024/MK/sc