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

+ **BAIL APPLN. 1795/2024**

DEEPAK

.....Petitioner

Through: Mr. Anil Dagar, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the
State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

08.08.2024

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1. The Bail Application under Section 439 of CrPC has been filed on behalf of the petitioner for grant of bail in FIR No. 177/2021 under Section 186/353/307/41 of the IPC read with Section 25/27 of Arms Act, registered at Police Station Special Cell.
2. It is submitted that the petitioner has been falsely arrested in the present case and is in judicial custody since 08.07.2021. The Charge-Sheet got filed in December, 2021. The charges have been framed and since then, only five witnesses out of 11 witnesses have been examined by the prosecution. The examination of witnesses may take long. There are material contradictions in the testimony of the prosecution witnesses.
3. His earlier bail application filed before the learned ASJ, has been dismissed *vide* Order dated 17.02.2024. The IO in the bail application has



shown the involvement of the petitioner in 30 Criminal Cases during the period 2014 to 2019. 22 Cases have been shown for the year 2018. In fact, the accused is facing trial only in 2 out of 30 cases. It is claimed that even as per the report of the IO, he has never been involved in robbery, dacoity or such heinous offences. All the 30 cases are triable by learned Metropolitan Magistrate having a maximum punishment of three years. He is an innocent person and there is no likelihood of his absconding. There is no apprehension of his tampering with the evidence. He is ready to abide by the terms and conditions for grant of bail.

4. **Status Report** has been filed on behalf of the State wherein it is submitted that a team of Special Cell, Northern Range, deployed secret informers, used electronic surveillance and human intelligence. One robber/snatcher that is, the petitioner was identified and he was found absconding in many criminal cases including one case of Police Station Hari Nagar, Delhi. On 07.07.2021, at around 11:00 PM, on the basis of information received from the secret informer, a raiding team was constituted and on spotting the petitioner on a motorcycle, it was signaled to stop but instead of stopping, he tried to run away and in that effort motorcycle slipped and the petitioner along with the another person, who is riding with him fell. The police surrounded and gave their introduction as police officials, on which accused Deepak whipped out a pistol from his right side jeans and fired two shots at police team, which closely missed from police personnel. In self defence, the police personnel fired from his pistol towards the legs of accused, which hit him near the left knee. The petitioner was apprehend and his pistol fell on the ground.

5. It is submitted that the petitioner is habitual criminal previously



involved in many criminal cases. If given bail, his presence before the trial court, would not be ensured. The bail of the petitioner is opposed.

6. **Submissions heard.**

7. The allegations against the petitioner are serious of trying to escape by firing at the police, though in the process he slipped and was apprehended after immobilization by a gun shot fired by the Police, which hit him in his left knee. There is a history of more than 30 cases from 2014 till 2021. As has been pointed out, it is only when he is in custody that he abstains from committing crime. There is a likelihood of his repeating the crime if released on bail.

8. Considering the antecedents and the involvement in the crime and the trial, no case is made out for grant of bail.

9. The Petition is hereby dismissed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

AUGUST 8, 2024/RS