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

+ **BAIL APPLN. 1830/2024**

AMAN

.....Petitioner

Through: **Mr. Amit Kumar and Mr Jitender
Kumar, Advocates.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Amit Ahlawat, APP for State
with Ms. Shehnaz Khan, Advocate
SI Jaipal Singh, PS: Kotwali**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

23.09.2024

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1. This petition seeks regular bail in FIR No.76/2024 Police Station Kotwali under Sections 392/397/411/34 IPC.
2. The case of prosecution is that on 30th January 2024, complainant Neeraj Nagpal went to PS Kotwali and gave a statement that he is running a cloth shop at Katra Shobhan Shahi, Chandni Chowk, Delhi and at about 9:30 pm when he was walking towards Chandni Chowk Metro Station, he was surrounded by 4 boys, two of them caught him from behind, while other two robbed his bag. The bag contained his cheque books, pass books and keys of the shop. He stated that they had robbed him on knife-point and ran towards Omaxe Mall
3. As per the status report, during investigation, site plan was prepared and search was made from the accused and it was found that the 4 boys were being beaten up by the public and the complainant identified the 4



boys as those who had robbed him at knife-point.

4. Petitioner was one of the accused in the alleged robbery. It is further stated that during personal search of the accused persons, a bag was found which was identified by the complainant as his, containing necessary articles as also three knives were recovered from possession of the accused persons.

5. It is contended by the counsel for petitioner that out of 4 accused, one is CCL and another co-accused Arman had been granted bail by the Trial Court by order dated 26th March 2024. Petitioner has no previous involvement.

6. As per an updated status report, statement of PW-1, complainant has been recorded where he states that when he went to the police station, his statement was recorded and later police officials came back, post some information about 4 persons, and said they had been apprehended by public and bag was found from their possession. PW1, however, states that boys showed him knife for a fraction of a second and he could not see their faces. Since the police told him that his bag was recovered from the accused persons, he thought that accused persons had committed crime. He stated "*I am not 100 per cent sure whether the accused persons had committed the crime with him or not.*" Cross examination of PW-1 was conducted by the APP where he denied the suggestion that he was deliberately and intentionally not correctly identifying the accused persons.

7. Considering the facts and circumstances that recovery of stolen articles has already been effected, the apprehension of the accused by public being in question, trial is in progress and complainant has already been examined, this Court this of the view that no purpose would be served by keeping the petitioner in custody who is a 19 years old boy with no previous



involvement; this Court finds it to be a fit case for grant of bail to the petitioner.

8. 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 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.

9. 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.



10. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 23, 2024/sm