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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2333/2024**

CHAMAN @SAI BABAApplicant

Through: Mr. Sumit Saurabh, Adv.

versus

THE STATE NCT OF DELHIRespondent

Through: Mr. Ajay Vikram Singh,
APP for the State along
with Mr. Sachin Dhingra,
Mr. Pushpendra Veer
Pratap Singh, Adv.
SI Ghan Shyam, SI S.K.
Jha, PS Sarai Rohilla.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **09.07.2024**

CRL.M.A. 19705/2024 (*exemption from filing certified copies of the annexures, official translations*).

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present application is filed seeking grant of regular bail in FIR No. 248/2023 dated 14.04.2023, under Sections 392/394/395/397/412/120B/34 of the Indian Penal Code, 1860 (IPC), registered at Police Station Sarai Rohilla.
4. The FIR was registered on a complaint given by Mr. Pankaj Kumar Jain alleging that on 13.04.2023 at about 8.00 PM his car was stopped by three motorcycle borne riders armed with pistols.
5. It is alleged that the accused persons broke the window glass of the driver seat and also hit the complainant on the chest

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with the pistol.

6. It is alleged that the complainant was carrying two bags containing a total sum of ₹21,00,000/- which were robbed by the said three persons.

7. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that the applicant was admittedly, even as per the case of the prosecution, was not one of the persons who had committed the alleged robbery.

8. He submits that the case of the prosecution rests solely on the disclosure statement of the co-accused persons. He submits that the applicant is in custody for the last more than one year, chargesheet has already been filed and the applicant is no longer required any further investigation.

9. He lastly contends that the co-accused persons, namely, Sunny and Devaki Sharma have already been granted bail by orders dated 10.05.2024 and 28.05.2024 respectively, passed by a Coordinate Bench of this Court.

10. The learned Additional Public Prosecutor for the State has opposed the grant of present bail application. He submits that the applicant is the main conspirator who called the other co-accused persons to Delhi for the purpose of committing the alleged robbery.

11. Admittedly, no recovery has been made from the applicant. The co-accused Sunny who is alleged to be one of the three persons armed with pistol and robbed the complainant, has already been enlarged on bail by the order passed by the Coordinate Bench of this Court.

12. The Court while granting bail to co-accused Sunny, noted that the CDR indicating that the co-accused persons were in
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touch with each other does not establish their involvement in the commission of the offence. The same is only a corroborative piece of evidence.

13. It is not denied that no further recovery is required to be made from any of the accused persons. The applicant has been arrested and is being prosecuted, at this stage, solely on the basis of the disclosure statement of the co-accused persons, who allegedly were present at the place of incident and committed the robbery. The investigation with respect to the applicant is complete, the chargesheet has already been filed in the present case and therefore, the applicant is no longer required for further investigation. He is in custody since 16.04.2023.

14. Considering the aforesaid facts and without commenting further on the merits of the case, this Court is of the opinion that the applicant has made out a case for grant of bail. The applicant is accordingly directed to be released on bail on furnishing a bail bond in the sum of ₹25,000/- with one Surety of the like amount subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall appear before the learned Trial Court on every date of hearing and shall not take any unwarranted adjournment;
- b. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- d. The applicant shall, upon release provide the

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address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

15. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

16. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and should not influence the outcome of the Trial and not be taken as an expression of opinion on the merits of the case.

17. The bail application is allowed in the aforementioned terms

AMIT MAHAJAN, J

JULY 9, 2024
“SK”