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

% ***Date of decision: 23rd August, 2024***

+ **BAIL APPLN. 2504/2024**

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.....Petitioner

Through: Mr. Varun, Advocate through Video Conferencing.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, Ld. APP for the State with SI Akansh Sharma and SI Jagdish Kumar P.S. Mahendra Park.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. An application under Section 439 read with Section 482 Cr.P.C has been filed on behalf of the petitioner for grant of Regular bail in case FIR No.781/2021 under Sections 392/397/411/34 IPC and 25/27/54/59 Arms Act registered at Police Station Mahendra Park.
2. The regular Bail application preferred before learned ASJ has been dismissed vide Order dated 08.05.2024. It is submitted in the bail application that the petitioner has been implicated falsely in this case. It is submitted that PW1 Harish Goel as well as PW3 Neena Goel have been examined who are the two witnesses, but both have not been able to identify



the petitioner in their respective testimony in the Court. It is claimed that the petitioner has been involved in various false criminal cases. He is facing trial in the three cases and has been acquitted/discharged in all other cases. He is aged about 36 years and is in custody since 07.07.2021 i.e. for almost three years. He is willing to abide by any conditions that may be imposed by the Court and hence, the regular bail is sought.

3. The **Status Report** has been filed by the State in which it is stated that the allegations against the petitioner are of heinous nature since at gun point he along with the co-accused had committed robbery. The petitioner is involved in eleven criminal cases. Looking at his past antecedents there is every likelihood that he may jump the bail, in case bail is granted. However, the regular bail has been granted by the learned ASJ to the co-accused Narender Lala on 27.04.2024 who is also involved in more than fifteen criminal cases. The bail is opposed.

4. **Submissions heard.**

5. Though, the allegations against the petitioner/accused are of robbery on gun point and one pistol has also been recovered from his possession, but it cannot be overlooked that PW1 and PW3, the two material witnesses, have failed to identify the accused in Court. He is in Judicial Custody for almost three years.

6. Considering the circumstances, the petitioner is granted regular bail on the following conditions:-

- a) The petitioner/accused shall furnish a personal bond of Rs.40,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The petitioner/accused shall appear before the Court as and



when the matter is taken up for hearing.

- c) The petitioner/accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.
 - d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
 - e) The petitioner/accused shall not leave the country, without permission of this Court.
 - f) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.
7. The bail application is accordingly disposed of.
8. A copy of this Order be sent to the concerned Jail Superintendent, for compliance.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 23, 2024

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