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

+ **BAIL APPLN. 3567/2023**

GURNAM SINGH

..... Petitioner

Through: Mr. Gurbaksh Singh, Advocate.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Manjit Arya, APP for State with
SI Manish PS Special Staff/SWD.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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18.01.2024

1. By way of present bail application filed under Section 439 Cr.P.C., petitioner/applicant seeks regular bail in FIR No.108/2021 registered under Sections 392/395/397/412/120B IPC at P.S. Delhi Cantt, Delhi.
2. Learned counsel for the applicant submits that the applicant has been in judicial custody since 29.05.2021 and that the only role assigned to the applicant is that of informing the co-accused persons about the location of the complainant and the belongings of the complainant. He states that the co-accused persons namely *Amrik Singh @ Rinku, Paramjeet @ Babu and Amarjeet @ Tapori*, alleged to be on the spot and committed the offence, have been released on bail. Even the alleged mastermind Sajjan Singh has been released on bail. He further states that the material witnesses qua the present applicant have already been identified and that the remaining material witness namely *Surjeet Pandey* has not stated anything against the



present applicant during the investigation.

3. Learned APP for the State, on the other hand, has opposed the bail application and submits that it is the present applicant who had informed the co-accused persons of the details of the complainant, who ultimately committed dacoity involving 15,000 Dirhams. It is further stated that 4000 Riyals have been recovered from the present applicant. The applicant is stated to be involved in another FIR bearing No.164/2017 registered under Sections 451/506 IPC at P.S. Greater Kailash-I. Learned counsel for the applicant states that the applicant is on bail in the aforesaid case.

4. I have heard the submissions of the learned counsels for the parties. The Status Report has been handed over today in the Court and the same is taken on record.

5. As noted above, the case against the present applicant is that he used to work with *Pratap Singh @ Monu* to procure visa for people who intended to go abroad. The applicant further used to transport passengers to airport and handover the necessary documents to them.

6. It is further submitted that all the accused persons hatched a conspiracy to commit robbery on unsuspecting passengers. In pursuance of the same, *Pratap Singh @ Monu* came to the applicant's house on the night of 21.04.2021 and asked him to accompany them to rob the passengers at the airport. Though the applicant refused to accompany them, but at the same time he informed them about the location, which allowed them to eventually committed the offence. In trial, *Pratap Singh @ Monu* was cited as PW-2, who failed to identify the co-accused persons who were alleged to be present at the spot.

7. The role assigned to the present applicant is that of informing about



the location and in this regard reliance is placed on CDR. Considering that the material witnesses have already been examined, the period of custody of the applicant and the fact that three of the co-accused persons have already been granted regular bail, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions:-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

8. The bail application is disposed of in the above terms.

9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

10. Copy of the order be uploaded on the website forthwith.

11. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the



disposal of the present bail application.

JANUARY 18, 2024/rd

MANOJ KUMAR OHRI, J