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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **BAIL APPLN. 2712/2024 & CRL.M.A. 22689/2024**

GULSHAN SHARMA

.....Applicant

Through: Mr. Pradeep Chowdhary,
Mr. Vikrant Chowdhary &
Mr. Lalit Kumar Bhati,
Advs.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP
for the State
Inspector Lalita Rawat &
SI Gaurav Singh, PS-
Kamla Market

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

04.11.2024

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1. The present application is filed seeking regular bail in FIR No. 130/2012 dated 20.11.2012 registered at Police Station Kamla Market for offences under Sections 420/467/468/34 of the Indian Penal Code, 1860.
2. The applicant was arrested pursuant to registration of FIR and was admitted on bail by order dated 09.01.2013. The chargesheet was, thereafter, filed in the present case on 25.05.2017. It is, however, alleged that the applicant did not appear even once but only filed applications seeking exemption from personal appearance on two occasions.
3. The non-cooperation led to the issuance of process under Section 82 of the Code of Criminal Procedure, 1973 and the applicant was declared as Proclaimed Person by order dated 15.09.2023.
4. The applicant was, thereafter, arrested on 04.01.2024 and



is in custody since then.

5. The learned counsel for the applicant submits that the applicant was appearing till 10.10.2018, however, on account of change of address, he could not inform his Advocate and also due to financial difficulties, did not appear before the learned Trial Court on few occasions.

6. He submits that from the month of March, 2020, the applicant thinking that the country is in lockdown did not appear before the learned Trial Court. He submits that the same was a *bona fide* mistake on the part of the applicant.

7. This Court is of the opinion that the conduct of the applicant in not appearing before the Court for a long period of time is not justified. However, it is undisputed that the applicant was granted bail originally by order dated 09.01.2013 and, now, is in custody since 04.01.2024 and has spent considerable period of time in custody. Therefore, purely on humanitarian grounds, this Court considers it apposite to admit the applicant on bail.

8. However, to allay the fear of the applicant fleeing from the process, appropriate conditions ought to be imposed.

9. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount (one of the sureties shall be the family member of applicant), subject to the satisfaction of the learned Trial Court on the following conditions:

- a. 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;

- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court on every date of hearing;
- d. The applicant shall provide the 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.
- f. The applicant shall appear before the concerned IO once in every week.

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

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

12. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

NOVEMBER 4, 2024

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