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

+ **BAIL APPLN. 3958/2023, CRL.M.A. 32066/2023**

RAJIV @ HAWA SINGH

.....Petitioner

Through: Mr. Vaibhav Trivedi, Mr. Milind
Srivastava, Mr. Piyush Jain, Mr. Yash
Dangwal and Mr. Siddhant, Advocates

versus

STATE (NCT OF DELHI) THROUGH SHO PS NARAINA

.....Respondent

Through: Mr. Yudhvair Singh Chauha, APP with
SI Sushil Malik, PS: Crime Branch.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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15.07.2024

CRL.M.A. 15587/2024

An application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for early hearing.

Application is allowed and matter is taken up for hearing. The date already fixed as 16.07.2024 stands cancelled.

CRL.M.A. 17524/2024

An application under Section 482 of Cr.P.C. has been preferred on behalf of the petitioner for discharge of earlier counsels Mr. Amit Garg and others, since a *vakalatnama* has been executed by petitioner in favour of present counsels.

Application is accordingly allowed discharging the earlier counsels.



BAIL APPLN. 3958/2023 & CRL.M.A. 32066/2023

1. In terms of order dated 22.05.2024, a report received from learned ASJ has been placed on record, whereupon it is submitted that application for interim bail was allowed, since pendency of regular application for bail before this Court was not informed by the IO.
2. An application under Section 439 of Cr.P.C. has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0171/2018, under Sections 392/397/34 IPC, registered at PS: Naraina. Chargesheet has been filed under Sections 392/395/397/412/414/120B/34 IPC and Section 25/54/59 of Arms Act.
3. In brief, as per the case of prosecution, present FIR was registered on statement of complainant Kashish Bansal, who alleged that on 02.08.2018 at about 02:35 PM when he along with his driver Shambhu Nath reached at Naraina Flyover, some boys aged about 20-25 years came on a blue pulsar motorcycle and stopped their car. A pistol was pointed at him by one of the accused while the other accused lifted the remote key and mobile phone from the car along with the bag containing Rs. 70 lacs from the dickey of the car.
4. During the course of investigation, accused Monu Sharma was identified on the basis of video footage and was arrested in FIR No. 200/2018 dated 04.08.2018, under Sections 25/54/59 of Arms Act. On the basis of inputs, CCL 'P' was apprehended on 06.08.2018 and Rs. 1 lac was recovered from his possession. Further, Rs. 8 lacs was recovered at his instance from the car of his maternal uncle namely Jitender, who was arrested.
5. Shambhu Nath (driver of the car) was also found to be involved and at his instance, recovery of Rs. 1 lac was effected. Also, Rs. 1.6 lacs were recovered from possession of CCL 'H'. Petitioner is stated to have been



arrested on 17.08.2018 and from his possession Rs. 1.2 lacs were recovered, and further at his instance, Rs. 4.71 lacs were also recovered from his residence.

6. Learned counsel for petitioner submits that petitioner has been falsely implicated despite the fact that he is not visible in the video footage and further informs that petitioner is in custody since 17.08.2018.

7. On the other hand, learned APP for the State vehemently opposes the application and submits that petitioner is involved in several other FIRs as reflected in the SCRB report. It is also contended that present offence was committed in criminal conspiracy. Further, petitioner is stated to have earlier jumped bail and the overall jail conduct of petitioner is unsatisfactory, as reflected in the Nominal Roll.

8. Considering the facts and circumstances of the case, evidence against the petitioner on record and earlier involvements, no grounds for bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

JULY 15, 2024/R