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

% **Date of Decision : 04.03.2024**

+ BAIL APPLN. 3996/2023

MD SADIQ @ CHOTA CHIKNA Petitioner

Through: Mr. Amit Kumar Ranaut, Advocate.

versus

THE STATE GOVT OF N CT OF DELHI Respondent

Through: Mr. Satish Kumar, APP for State with
SI Banwari Lal, P.S. DCRS.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J (ORAL)

1. The instant application under Section 439 of Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the applicant seeking grant of bail in case arising out of FIR bearing No. 04/2022 registered at Police Station Delhi Cantt. Railway Station, Delhi for the offences punishable under Sections 356/379/186/352/332/34 of the Indian Penal Code, 1860 ('IPC').

2. The brief facts of the case are that on 08.06.2022 at about 10:46 pm on receipt of a PCR call regarding snatching of a mobile phone from a running train Ranikhet Express near Zakhira flyover Patel Nagar Delhi an investigation was carried out. It was alleged that constable Manoj along with



ASI Chandrakant were deployed as Escort Guard in Ranikhet Express. When the train was slowly moving near Zakhira flyover, a boy had snatched a phone from Coach S-8 and had run away. The victim had raised alarm, constable Manoj of RPF had chased the accused and had apprehended him. At that time his two associates had also reached the spot and had started waving knife in the air and they had shouted at the RPF officers and asked them to release the accused. In the meantime, the accused Mohd. Shadiq @ Chhota had escaped from the custody of RPF and had run away with his two associates absconding from the said place of incident. Therefore, the present FIR was registered. During investigation on 11.06.2022, co-accused Salman @ Mangla was arrested. After that on 13.06.2022 Shoyeb @ Ashif another co-accused was arrested and co-accused Guddu was also arrested on the same day. On 11.08.2022 the present accused Mohd. Shadiq was arrested from Dayabasti, Delhi. After completing the investigation, charge-sheet was filed under Sections 392/397/411/186/353/332/223/120B of IPC read with Sections 27/54/59 of Arms Act, 1959.

3. It is argued by learned counsel for the applicant that the present applicant has been falsely implicated in this case. It is further stated that the applicant had nothing to do with the present FIR. It is stated that supplementary charge-sheet has also been filed in this case and the applicant is no more required for interrogation. It is also argued that PW-1 ASI Chandrakant, who had arrested the applicant from the spot as alleged in the FIR has been partly examined. However, he was not able to identify the accused. It is also stated that there are discrepancies in the statements of the



witnesses. It is also stated that no other case is pending against the applicant and, therefore, he may be granted bail.

4. Learned APP for the State on the other hand has opposed the present bail application and states that the allegations against the accused are serious in nature and other witness are yet to be examined, who are material witnesses. It is further argued by learned APP for the State that the present accused along with his associates/co-accused's had committed robbery of mobile phone of constable Manoj by showing him deadly weapon and had also deterred him from discharging his official duties. The present applicant had further rescued co-accused Salman from lawful custody of constable Manoj, which makes the applicant's offences graver. Therefore, his application for grant of bail be rejected.

5. After hearing arguments and going through the case file, this court is of the opinion that the allegations against the present accused/applicant are that the accused/applicant in conspiracy with other co-accused persons had snatched the mobile phone of constable Manoj, who had been posted in Ranikhet Express for the safety of passengers. When the said train was slowly moving, the co-accused Salman was apprehended at the spot itself and when two co-accused persons had at point of knife deterred the complainant from performing his duties and had also got escaped co-accused Salman from his lawful custody. The present accused had also threatened the RPF staff and the complainant, constable Manoj that in case the co-accused, who was in custody, was not released he will harm them with the knife. The knife in question was recovered at the spot from the present accused/applicant himself. In the present case, the statement of PW-



1 has been partly recorded and other material witnesses still remain to be examined. The allegations against the accused/applicant are not only of snatching the mobile phone of police officers but also deterring him from performing his official duties and further by threatening the RPF staff with the knife getting the co-accused released from the custody of RPF officials, who were deployed as Escort Guard in Ranikhet Express and thereafter running away from the spot.

6. Considering the overall facts and circumstances of the case, no ground for grant of bail at this stage is made out. The application for grant of bail stands rejected and disposed of.

7. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

8. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 4, 2024/hs