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

+ **BAIL APPLN. 2926/2024**

LALIT @ SUNNY

.....Petitioner

Through: Mr. Amjad Khan, Mr. Sumit Kumar,
Mr. Amit Khawal, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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14.11.2024

1. The present bail application has been filed on behalf of the petitioner under Section 439 r/w Section 482 Cr.P.C. seeking regular bail in case FIR No. 1188/2023 under Section 395/412/120B IPC registered at PS Karol Bagh.
2. It has been submitted that on 30.10.2023, the present case was registered on the statement of Mr. Mukesh Kumar, wherein he alleged that on 30.10.2023 he was while he was present in the office and was alone. At about 03.00 P.M., 03 unknown persons forcefully entered the office and tied his mouth, hands and legs with cello tape and rope and robbed Rs. 39 Lakh and mobile phone of the complainant and ran away. Initially, the case under Section 392/34 IPC was registered. During the investigation, based on secret information and analysis of CCTV footage, 05 accused persons, namely (1) Raju Saini, (2) Kamal



Kumar, (3) Dipender Kumar Saini, (4) Deepak Kumar, and (5) Deepak Kumar @ Tatu were arrested. During the investigation, they confessed and recovered Rs. 37,62,000/- a stolen mobile phone, one knife, one toy gun and other articles. During the course of the investigation, Sections 395/412/120B IPC were added.

3. During the course of the investigation accused Deepak @ Tatu disclosed that he was tipped about huge cash in an office situated in Karol Bagh by co-accused Ashish @ Chhotu and he introduced him to the present petitioner Lalit @ Sunny. Allegedly, Lalit @ Sunny gave the information about the availability of money at H.No. 2485, 3rd Floor, Gali No. 8 Beadanpura, Karol Bagh where the offence was committed. After investigation, the charge-sheet was filed. The case is at the stage of trial.
4. Learned counsel for the petitioner submits that the only evidence against the petitioner is in the form of a disclosure statement. It has been submitted that the petitioner has been in custody since 09.11.2023. It has been submitted that the trial may take a long time, and therefore, the petitioner may be admitted on bail.
5. Learned APP for the State has opposed the bail application on the ground that the petitioner was the main person in hatching the conspiracy. It has been submitted that if the petitioner is released on bail he may not attend the trial.
6. Learned APP has also submitted that there is evidence in the form of CDR.
7. There are no other criminal antecedents, and the petitioner has been in custody since 09.11.2023. Admittedly, the evidence against the present



petition is in the form of a disclosure statement of co-accused. The investigation is already complete. The case is at the stage of the trial.

8. The criteria for granting bail in heinous offences are very well settled. The considerations to be taken into account while granting regular bail are the nature and gravity of the respondent's accusations, the possibility of the Applicant fleeing from justice, the possibility of threatening and intimidating the witnesses and other circumstances. However, it is a settled rule that the Court at the stage of the bail cannot hold mini-trials and has to see only the prima facie case as produced by the prosecution. The personal liberty of an individual is a paramount consideration for any court while dealing with application for bail. The custody during the period of trial or investigation cannot be continued as a punishment.
9. The speedy trial in the present case does not seem a possibility and keeping the applicant in further incarceration would cause deprivation of his right to legal defence. The object of jail is to secure the accused person's appearance during the trial. The object is neither punitive nor preventive, and the deprivation of liberty is considered a punishment.
10. The applicant cannot be made to spend the entire period of trial in custody especially when the trial was likely to take a considerable time. Reliance can be placed upon *Union of India v. K.A. Najeeb* (2021) 3 SCC 713.
11. Taking into account the facts and circumstances, the applicant is admitted to bail upon furnishing a personal bond in the sum of Rs.15,000/- with one surety of like amount to the satisfaction of the concerned learned Trial Court, subject to the verification of his address,



and also subject to the following further conditions:

- a) the Petitioner shall appear before the Investigating Officer/trial court as and when required;
 - b) the Petitioner shall under no circumstances leave the country without prior permission of the Court concerned;
 - c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the Petitioner shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
 - e) In case of a change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/Court concerned by way of an affidavit.
12. With the above directions, the application is disposed of. It is made clear that nothing stated in this order shall be tantamount to an expression of any kind or opinion on the merits of the case.
13. A copy of this order be sent to the concerned Jail Superintendent for compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 14, 2024/AR/HT..