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

+ **BAIL APPLN. 4308/2023**

PARAMVEER @ PRINCE KADYAN Petitioner

Through: Mr. S.S. Dahiya, Adv.

versus

STATE, (NCT OF DELHI) Respondent

Through: Ms. Meenakshi Dahiya, APP for
State with Sanjay Kumar Crime
Branch

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.03.2024

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1. The present petition has been filed under Section 439 CrPC read with seeking regular bail in connection with FIR No.402/2022 under Sections 395/394/120B/34 IPC registered at Police Station Paharganj.
2. The brief facts of the case are that the present FIR was registered on the statement made by the complainant Somveer Singh, wherein he stated that he works in Jai Mata Di Logistics, having its office at Paharganj Delhi. He stated that his company works on the delivery of gold and diamond articles. He also stated that he alongwith his colleague Jagdish used to take parcels from the Delhi office and take them to Chandigarh daily in the morning.
3. On the date of incident Somveer Singh and Jagdish were going towards their car parked on the main road and when they reached near Millenium Hotel they were stopped by two persons, one of them was in



Police uniform and suddenly two more person came from behind and put red chilli powder in their eyes and snatched the parcels i.e., two bags and one carton box containing gold and diamond jewelry from them and fled away.

4. The learned counsel appearing on behalf of the petitioner submits that it is not the case of the prosecution that the petitioner was amongst the persons who had snatched the articles from the complainant. As per the case of the prosecution the petitioner was sitting in the car.

5. He submits that the petitioner is only a cab driver and drives an Ertiga Car bearing No. HR63D2409 which is registered in the name of his mother. He submits that the car which was used in committing the crime is DL1CAB0920 which is a Swift Dzire car and the number plate of the same was subsequently changed by the offenders to HR55AF 3046.

6. He submits that the petitioner has no role to play in the said incident of dacoity and the antecedents of the petitioner are clean.

7. He further submits that the petitioner is in custody since 06.09.2022 and the investigation is complete, the chargesheet has been filed therefore the custody of the petitioner is no more required.

8. He submits that in the chargesheet the prosecution has cited as many as 143 witnesses and till date only 02 witnesses have been examined, therefore the conclusion of trial is likely to take long time.

9. He further submits that the petitioner is permanent resident of Delhi, therefore, there is no possibility of his fleeing from justice in the event he is enlarged on bail.

10. He, therefore, urges the Court to grant regular bail to the petitioner.

11. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.



12. She has pointed out that in fact two cars were involved in the commission of the offence.

13. She further submits that the accused persons had first travelled in the car of the petitioner up to a point from where they got into the Swift Dzire car and committed an offence and then again came back to the same point and got into the Ertiga car which is in the name of petitioner's mother.

14. I have heard the learned counsel for the petitioner, as well as learned APP for the State and have perused the record.

15. As per the case of the prosecution the role of the petitioner is that he was a driver of the car in question. It is not the case of the prosecution that he actually snatched the articles from the complainant or that any recovery of looted articles was made from him.

16. The petitioner is a cab driver by profession and does not have a criminal record.

17. That apart the investigation is complete and the custody of the petitioner is no more required. Further the prosecution has cited as many as 143 witnesses out of which only 02 witnesses have been examined till date. Having regard to the custody period of 18 months approx. and the role attributed to the petitioner, it will not be appropriate to keep the petitioner in custody for an indefinite period to await the outcome of trial, the conclusion of which is nowhere in sight.

18. On a query posed by the Court, the learned APP on instructions from the IO who is present in Court, states that the petitioner is a permanent resident of Delhi, thus the petitioner does not seem to be a flight risk.

19. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail.



Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

20. The petition stands disposed of.

21. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.

22. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

23. Order *dasti* under signatures of the Court Master.

24. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 22, 2024

N.S. ASWAL