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

+ **BAIL APPLN. 3165/2024**

VISHAL

.....Petitioner

Through: Mr. Ramesh Rawat, Mr. Manish
Kumar, Mr. Jitendra Kumar Singh,
Mr. Jaideep Rathi, Ms. Pooja, Advs.

versus

THE STATE OF NCT OF DELHIRespondent

Through: Mr. Aman Usman, Adv.
Ms. Shubhi Gupta, APP with Insp.
Satbir Singh, PS Jaitpur

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
11.11.2024

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1. This is a petition filed under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking regular bail in FIR No. 0373/2022 registered at PS Jaitpur under sections 392/397/411/34 IPC and section 25/54/59 of the Arms Act on 10.07.2022.
2. Briefly stating the facts as per the FIR are that 4 accused persons reached the shop of the complainant being Holygolee Pharmacy Pvt. Ltd. Medical Shop, Shakti Vihar, Tanki Road, Hari Nagar Extension-II, Jaitpur, New Delhi and at gun point committed a robbery and looted about Rs. 5,000/- and 2 mobile phones.
3. My attention has been drawn to the order dated 16.05.2023 whereby the charges were framed against the petitioner only under section



452/392/34 IPC being punishable for a maximum period of 7 years.

4. I am also informed that the petitioner has been in custody since 12.07.2022 and all material witnesses have already been examined.

5. In addition, even though the police officials have recovered some articles from the petitioner, however there is no independent witness to the recovery memo.

6. Mr. Usman, learned counsel for the respondent opposes the present bail application.

7. I am of the view that the petitioner has already undergone a sentence of two and a half years out of a maximum possible sentence of 7 years and all material witnesses have already been examined. Thus, I am of the view that the applicant needs to be released on bail on the following conditions:

- i. The applicant shall furnish a personal bond and a surety bond in the sum of Rs. 20,000/- each, to the satisfaction of the learned trial Court;
- ii. The applicant shall appear before the Court as and when the matter is taken up for hearing;
- iii. The applicant shall join investigation as and when called by the Investigating Officer ("I.O.") concerned;
- iv. The applicant shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times. The applicant shall not switch off, or change the same without prior intimation to the I.O. concerned, during the period of bail;
- v. In case the applicant changes his address, he will inform the I.O. concerned and this Court also;
- vi. The applicant shall not leave the country during the bail period and



surrender his passport, if any, at the time of release before the I.O. concerned;

- vii. The applicant shall not indulge in any criminal activity during the bail period;
 - viii. The applicant shall not communicate with, or come into contact with any of the prosecution witnesses, or any member of the victim's family, or tamper with the evidence of the case.
8. The present petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

NOVEMBER 11, 2024/DM

Click here to check corrigendum, if any