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

+ BAIL APPLN. 3218/2024
PINKU KUMAR @ PINU

.....Petitioner

Through: Mr. Gaurav Tyagi, Mr. Deepanshu
Babla, Mr. Abhishek Khari, Mr. Jatin
Nagar, Mr. Gaurav Bidhuri, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **25.10.2024**

CRL.M.A. 26824/2024 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 3218/2024

1. The present application has been filed under Section 439 Cr.P.C. on behalf of the petitioner for grant of regular bail in case FIR No. 176/2023 dated 10.05.2023 under sections 392/397/398/411/120B/34 I.P.C & 25/ 27 ARMS ACT, registered at PS Hauz Khas.
2. The case set up by the prosecution in the status report that an information PCR Call received in PS Hauz Khas at about 04:37PM, vide DD no. 77A dated 10/05/2023. The PCR caller was contacted and staff reached at the spot i.e., Outer Ring Road, Panchsheel. Park Near Foot over bridge, towards IIT red light New Delhi, where victim/PCR caller namely Sh. Ram Janam Safi @ Dilip s/o Fulo Safi Age 35 Year



R/o H.No. 198, Gali No. 13, Block A, Kamalpur, Kamal Vihar Burari New Delhi met along with his colleague namely Shaker @ Ramu Kumar s/o Devdhari Das Age 28 year R/o VPO Tuniyahi, Ward no. 5; Sonbarsa, PS Tariani chowk, Dist. Sheohar, Bihar. Victim Ram Janam Safi @ Dilip stated that he is working as sales man at Sanvi Diamonds add: Building number 2633/34, Upper Ground Floor Bank Street, Karol Bagh New Delhi-110005. On dated 10/05/2023 at about 01:00PM he along his colleague Shaker @ Ramu Kumar took 181 items of Gold & Diamond Jewelry i.e., Neckless (10), Lady Rings (75), Gents Rings (29), Tops (59), Bracelet (8) from Sanvi Diamonds and departed to sale them on Honda Shine Bike DL6SAV0485 towards Kalka Ji market. They reached Kalka Ji Market and showed their items on Malik Jewelers, Verma Jewelers & Kalka International Jewelers, but none purchased any item from them. After that, they had their lunch at Kalka Ji Market and proceeded towards Malviya Nagar for showing their items at another shop of Malik Jewelers. When they reached Outer Ring Road, Panchsheel Park Near Foot over bridge, towards IIT red light New Delhi, they saw a drinker at the road side and stopped their bike for drinking water. Suddenly 2 men came on a scooty and caught them. One from the alleged persons took a pistol out of his pocket and pointed at the head of the pillion rider Shaker @ Ramu Kumar and another one took out a spray bottle from his pocket and tried to spray over the face of complainant Ram Janam Safi @ Dilip. After that both alleged persons started demanding the jewelry bag and threaten to fire. In the meantime, Ram Janam Safi @ Dilip escaped from there and both alleged persons snatched the bag from



the hand of Shaker @ Ramu Kumar and ran towards IIT Red light on the alleged scooty. Hence, a case was registered vide case FIR 176/2023, under section 392/398/34 IPC r/w 25/27 Arms Act on the complaint of victim Sh. Ram Janam Safi @ Dilip Kumar.

3. The crime spot was inspected by the Crime Team and a live Cartridge was found from the spot. During the course of investigation, CCTV footages the alleged scooty used in committing in crime traced. The scooty found parked at the road side near JNU. The scooty identified as TVS Jupiter Gray color bearing no. DL-7SCA-6821. the ownership was obtained of the said scooty which was found to be in the name of Shyam Dutt Shukla residents of Mandawali New Delhi. Later it was learnt that the said alleged scooty has been sold multiple times without transferring of its ownership. The said scooty was last sold by one RA Autos in New Ashok Nagar New Delhi. The details of the scooty and its current owner was obtained, which was later found to be in the name of one Rajesh Agarwal residents of VPO Nirpur dist. Nalanda Bihar and the contact number i.e., 9142253917 of current owner was taken from the said RA Autos. The said number was found switched off and CDR of said number was analyzed and one suspect number i.e., 7488994042 was collect and analyzed. The said number was found to be operated in Noor Sarai, Bihar.
4. Further a raid was conducted at the Noor Sarai, Bihar. Subsequently, a team of AATS/SD conducted a raid in Noor sarai on 13/05/2023 and the petitioner/accused namely Pinku Kumar @ Pinna was apprehended. On sustained interrogation, a necklace was recovered from the house of the petitioner/accused Pinku Kumar @ Pinnu.



Thereafter, accused accused Rahul @Sonu @ Ritesh was arrested from Bihar Sharif on the instance of the petitioner/accused Pinku Kumar @ Pinnu on same day i.e., 13/05/2023.

5. During the course of investigation, it was learnt that the conspiracy was made by the petitioner/accused Pinku Kumar @ Pinnu, Rahul @ Sonu @ Ritesh, Ranjan Kumar Verma, Ajay Kumar Verma, Rintu Kumar @ Bhosu Bhai Yadav, Rajesh Kumar and present applicant Abhishek Kumar @Tunna, who all are local residents of Bihar Sharif. Ajay Kumar Verma has been working in Karol Bagh at Goldsmith shops for last 14 years. They all set together in Bihar Sharif before 3-4 months and made plan to robe the Golds and Diamond salesman at Karol Bagh. As Ajay Kumar Verma is working in Karol Bagh for long, he has whole knowledge about the salesman who kept the jewelry of Gold and Diamonds worth rupees crores. Thereafter, they planned to robe the gold and Diamond Jewelry from the salesman. They planned that Ajay Kumar Verma will give tips about the movement of salesman and Ranjan will give the information of about the topography of Karol Bagh and the petitioner/accused Pinku Kumar @ Pinnu, and Rahul @ Sonu @ Ritesh will execute the robbery. Rintu Kumar @ Bhosu Bhai Yadav, Rajesh Kumar and present applicant Abhishek Kumar @ Tunna will dispose the looted jewelry in the market. Rintu Kumar @ Bhosu Bhai Yadav provided the alleged pistol and Rajesh Kumar provided Rs. 50,000/- fund to execute the plan.
6. On 10/05/2023, as per the plan, Ajay kumar Verma gave the tip to his younger brother Ranjan that two salesmen of ShanviJweler will leave for selling the Gold and diamond Jewelry at about 01:00PM.



Thereafter, at about 01:00PM two salesman of ShanviJweler namely Ramjanam Safi @ Dilip and Shekher @ Ramu Kumar left for selling the 181 Items of Gold and Diamond Jewelry on Honda Shine bike. They went to Kalka ji market and thereafter they were going towards Malviya Nagar, when they stopped at Panchsheel Park, near Panchsheel Flyover Road for taking the water, suddenly both the petitioner/accused Pinku Kumar @ Pinnu and Rahul @ Sonu @ Ritesh came on their alleged scooty and showed the pistol towards both the salesmen and snatched the bag from their hand fled from the spot on their bike.

7. Both the petitioner/accused Pinku Kumar @ Pinnu and Rahul @ Sonu @ Ritesh people left the scooty in Motilal Nehru Camp, near JNU and then reached Old Delhi Railway Station.. Thereafter, accused Rahul @ Sonu @Ritesh reached at Bihar Sharif and distributed the looted items. Rintu Kumar @ Bhosu Bhai Yadav and Rajesh Kumar collectively took 60 items and accused Abhishek Kumar @ Tunna took 8 items and accused Rahul @Sonu @Ritesh took 80 items as their part of share.
8. Learned counsel for the petitioner submits that even as per the case of the prosecution, only one necklace was recovered from the possession of the accused. Learned counsel submits that the petitioner is in custody since 14.05.2023. It has further been submitted that the trial may take a long time to complete and therefore the petitioner may admitted to bail.
9. Learned APP for the State has opposed the bail on the ground that robbery has been committed in the pre-planned manner and after the



deep rooted conspiracy amongst the accused persons. Learned APP for the State submits that recovery all robbed articles is duly affected from the possession of the petitioner.

10.I have considered the submissions. As per the case of the prosecution, only the recovery of one necklace has been effected from the applicant. The applicant is of 41 years of age and has been in custody for the last one year and six months and the trial may take a long time. 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. 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.

11.In the peculiar facts and circumstances, the petitioner is admitted to regular bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and provide his mobile number(s) and subject to the following further conditions:

- a) the petitioner shall regularly appear before the IO/trial court as and when directed;
- b) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
- c) the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;



d) In case of 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.

13. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

OCTOBER 25, 2024

Pallavi/HT..