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

+ **BAIL APPLN. 3350/2024 & CRL. MA 28045/2024**

GULAB SINGH

.....Petitioner

Through: Mr. Gaurav Sharma and Mr. Kartik
Kumar, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with SI Sumeet Poonia PS Vivek
Vihar, Delhi (m:8285130089)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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17.09.2024

1. By way of present bail application, the applicant seeks regular bail in FIR No. 112/2023 registered under Sections 454/392/394/201/411/120B of IPC at Police Station Vivek Vihar, Delhi.
2. Learned counsel for the applicant submits that as per the prosecution case, the applicant was not even present at the spot at the time of the incident and that the only role attributed to him is of conspiring with the co-accused persons in the commission of the offence. It is further submitted that one of the co-accused, namely *Pooja*, has already been released on regular bail by this Court vide order dated 12.03.2024 passed in Bail Appln. 3762/2023. He also submits that even the complainant has been examined, who has not alleged anything against the present applicant. Lastly, it is stated that the applicant is not involved in any other case.
3. The bail application is resisted by learned APP for the State who



submits that the applicant, who was employed as a driver at the complainant's house, is the main conspirator. He, along with the co-accused, *Pooja*, the housemaid, had hired one *Wasim*, who eventually committed the said offence. Later, the robbed money to the tune of Rs.2,60,000/- and jewellery articles were also recovered at the instance of the present applicant, which have been identified by the complainant. However, learned APP states, on instructions, that the applicant is not involved in any other case.

4. I have heard learned counsels for the parties and perused the material placed on record.

5. It is noted that the applicant is in custody since 21.03.2023. Although learned counsel for the applicant submits that the prosecution has not collected the CAF pertaining to the applicant's mobile, this submission is disputed by learned APP for the State.

6. Considering the role assigned to the applicant and the fact that he was not present at the spot as well as the period of custody already undergone by him, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the



applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that this Court has not expressed any opinion on the merits of the case and has made the observations only with regard to present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

SEPTEMBER 17, 2024/rd