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

+ **BAIL APPLN. 50/2025**

RAHUL@PANDA

.....Petitioner

Through: Ms. Dolly Sharma, Adv

versus

STATE GOVT. OF NCT OF DELHI A

.....Respondent

Through: Mr. Hitesh Wali, APP for State.

Insp. Rajesh & Insp. Ashok, Spl Cell.
NDR.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

25.03.2025

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1. The present application has been filed by the applicant/accused Rahul @Panda seeking regular bail in case FIR No. 630/2016 dated 20.08.2016 registered under Sections 302/392/394/397/34 IPC and Sections 25/27 of the Arms Act, 1959 at PS Shahbad Dairy.
2. Learned counsel for the applicant submits that the applicant has been in custody for more than eight years but the trial has not concluded. It is submitted that out of 42 witnesses cited by the prosecution, only 22 witnesses have been examined till date and therefore, the trial is likely to take a long time to conclude.
3. It is further submitted that the co-accused Sunil Sehrawat @ Churri with similar role has since been enlarged on bail by this Court vide order dated 12.11.2024. Rather, it is submitted that the case of present applicant stands on a better footing inasmuch as no recovery has been affected from



the present applicant while the robbed mobile phone is alleged to have been recovered from the co-accused Sunil Sehrawat @ Churri .

4. It is further submitted that no belongings of the deceased has been recovered from the present applicant and the alleged recovery of the motorcycle is planted and the said motorcycle used in the commission of offence does not belong to the present applicant.

5. The bail application has been opposed by learned APP arguing that it is a case of robbery at gun point and upon being chased, the co-accused Sumit Thakran caused gunshot injury to constable Anand.

6. Learned APP for the State admits that role of the present applicant is that of exhortation. He further submits that the motorcycle used by the applicant and the co-accused persons has been recovered at the instance of the present applicant. Learned APP further states that the applicant has criminal antecedents and is involved in five more criminal cases including case FIR No. 310/2022 under Sections 186/353/307 IPC and 25/27 Arms Act registered at PS Narela Industrial Area. It is also submitted that applicant was earlier granted interim bail by the Court on the ground of medical illness of his father but he did not surrender in time and was later arrested in case FIR No.310/2022 dated 18.04.2022 under Sections 186/353/307 IPC and 25/27 Arms Act registered at PS Narela Industrial Area.

7. It is further submitted that the allegations *qua* the present applicant are grave and serious in nature and therefore, he does not deserve the grant of liberty of bail.

8. The present case has been registered on the complaint of Smt. Meena wherein she stated that she runs an egg rehri and on 19.08.2016, three boys



on the motorcycle came and robbed her cash amounting to Rs 2500/-, a purse and mobile phone after threatening and showing pistol to her. Mithu who was also present at the spot raised the alarm. Acting upon the alarm, a police constable named Anand, who was passing from there, parked his motorcycle and rushed towards the three boys. He apprehended two of them while the third boy was caught by Mithu. The co-accused Sumit Thakran managed to free himself from the clutches of the Constable and threatened the Constable to release his associate. Out of fear, the passerby Mithu released the third person. The other boy also got himself released from the Constable and tried to run away on the motorcycle. They were chased by Constable Anand. Co-accused Sumit Thakran fired upon the Constable Anand and all the three boys then fled away with the robbed money, purse and mobile and the Constable Anand succumbed to his injuries. Upon completion of the investigation, the charge sheet has been filed against all the three accused persons including the applicant/accused and is pending trial. All the material witnesses have already been examined in this case.

9. On being asked, learned APP for the State admits that the role of the present applicant is same as that of co-accused Sunil Sehrawat @ Churri who has since been enlarged on bail by this Court vide order dated 12.11.2024. Admittedly, it is the co-accused Sumit Thakran who pointed the gun at the complainant. As per the prosecution case, it is the co-accused Sumit Thakran who caused gunshot injury to constable Anand. The only role attributed to the present applicant is of exhortation and of being found in possession of the motorcycle.

10. The applicant/accused is stated to be in judicial custody since more than eight years. The nominal roll received from the Jail Superintendent



reveals the involvement of the applicant in one more case i.e. FIR No.310/2022 under Sections 186/353/307 IPC and 25/27 Arms Act registered at PS Narela Industrial Area.

11. On the query of the Court, the Investigating Officer has informed that the applicant/accused was granted interim bail twice in this case. Even though on the first occasion, the applicant/accused did not surrender by the stipulated date, but on the second occasion he surrendered in time in accordance with the terms and conditions of the interim bail.

12. Considering the totality of the facts and circumstances and in particular the fact that co-accused Sunil Sehrawat @ Churri with similar role has since been enlarged on bail as also the long period spent in custody, the Court is inclined to grant regular bail to the applicant/accused on his furnishing a personal bond in the sum of Rs.30,000/- with a surety of like amount to the satisfaction of the learned Trial Court/Duty Magistrate, subject to the following 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 and such number shall remain available during the pendency of the trial.
- (iii) In case of change of the address or contact details, the applicant shall inform the same to the concerned IO and the Court.
- (iv) The applicant shall not try to contact the complainant or any other prosecution witness or tamper with the evidence and shall regularly appear before the learned Trial Court.

14. The bail application is disposed of in above terms.



15. Needless to state that any observation made herein above are only for the purpose of disposal of the present bail application and which shall not have any bearing on the trial of the case.

RAVINDER DUDEJA, J

MARCH 25, 2025/sk/ak