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

+ **BAIL APPLN. 166/2025**

DEEPAK CHAUHAN @ CHAUHAN

.....Petitioner

Through: **Mr. Ashutosh Kumar Mishra,**
Advocate.

versus

STATE OF NCT DELHI

.....Respondent

Through: **Mr. Manoj Pant, APP for the State.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **16.01.2025**

CRL.M.A. 1061/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The present bail application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C') read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been filed on behalf of the applicant, seeking grant of regular bail, to the applicant, in case arising out of FIR bearing no. 241/2022, registered on 27.02.2022 at Police Station, Karol Bagh, Delhi for offences punishable under Sections 394/395/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Manoj Pant, the learned APP for the State accepts notice.
5. Briefly stated, the facts of the present case are that the present FIR was registered on the complaint of complainant Shubham who had stated



that on 27.02.2022 at about 12 PM, when he along with his colleague Suhas was going to his office after getting casting of two gold bars done, and had reached near PC Jewellers, Bank Street, Karol Bagh, Delhi, four persons had attacked him and had threatened him with dire consequences by putting a weapon like pistol on his stomach. It was stated that the said four persons had then robbed the two gold bars weighing 1kg each, which the complainant had tied around his waist with a belt of cloth. On these allegations, the present FIR was registered.

6. The learned counsel for the applicant submits that nothing was recovered from the applicant herein. It is also stated that the jail record of the applicant reveals that his conduct in the jail is satisfactory. It is also stated that material witnesses have already been examined, and one of the co-accused has already been granted bail *vide* order dated 17.12.2022, passed by the learned Additional Sessions Judge-03, Central District, Tis Hazari Courts, Delhi, and one co-accused has been granted bail by co-ordinate bench of this Court *vide* order dated 19.09.2023. It is stated that on the ground of parity, the present accused/ applicant be enlarged on bail. It is further submitted that all the material witnesses have already been examined and there is no likelihood that the applicant herein will influence any witness. It is further argued that the trial will take time to conclude, and no benefit will be served by keeping the present applicant/ accused in judicial custody. Thus, it is prayed that the present applicant be granted bail.

7. The learned APP for the State, on the other hand, states that the role of the present applicant/accused is different from that of Mainpal *alias* Atul, the applicant in BAIL APPLN. 227/2023, who had been granted bail *vide* order dated 19.09.2023. The learned APP also draws this Court's attention



to the copy of the testimony of PW-1, which supports the case of the prosecutrix. However, it is not disputed that no recovery was affected from the applicant. It is also submitted that the applicant had been identified by the witness before the learned Trial Court.

8. This Court has heard arguments addressed on behalf of both the parties, and has perused the material available on record.

9. This Court has also gone through the statement of the witness recorded before the learned Trial Court, and the role which has been attributed to the present accused. It is noted after perusing the statement of the witness, and as admitted by the learned APP for the State, that there is no recovery from the present accused. The accused had been arrested on the basis of disclosure statement of the co-accused, though there is no denying that the applicant herein had been identified by the complainant, when his statement was recorded by the learned Magistrate. Concededly, the material witnesses in this case stand examined. It is also noted that the accused has been in judicial custody for about two years.

10. Considering the overall facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant on furnishing personal bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the Trial Court/ Successor Court/ Link Metropolitan Magistrate/ Duty Metropolitan Magistrate concerned on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers; shared by him with the Police.
- ii) The applicant shall not leave the country without prior permission of the concerned Trial Court.



- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
 - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
 - v) The applicant shall regularly appear before the learned Trial Court.
11. Accordingly, the present bail application stands disposed of.
 12. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
 13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 16, 2025/at

Click here to check corrigendum, if any