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

+ **BAIL APPLN. 759/2025**

VIKAS TOMAR ALIAS VICKY PEHALWANPetitioner

Through: Mr. Chandermani Grover, Advocate

versus

STATE NCT OF DELHIRespondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Mr. Vipin Kumar
Yadav, Advocate

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **01.05.2025**

1. By way of the present application, the applicant seeks grant of regular bail in FIR No. 211/2024, registered at Police Station Krishna Nagar, Delhi, for the offence punishable under Sections 392/394/397/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the present FIR was registered on the basis of statement of one Pavitra Kumar Jain, who disclosed that on 05.04.2024, at about 8:30 PM, two men having pistol/*katta* had entered his gold testing center, 'Jai Paras.' It is alleged that the accused persons had pointed pistol at the complainant and his father; and one of them had slapped the complainant, and had also threatened him and his father with dire consequences. Thereafter, the accused persons had tied them up with a rope and had robbed ₹1 lakh, gold jewelry (including rings, *kadas*, pendants, chains, and other articles), and mobile phones. It is further alleged that when his customer,



Manoj Jain, had entered the shop, the accused persons had beaten him and had robbed him of ₹1,50,000/-, 12 grams of gold items, and his mobile phone. Additionally, the accused persons had also stolen the DVR installed in the shop. Upon the complaint of complainant, the present FIR was registered.

3. During the course of investigation, co-accused Sunil Malik was arrested on 12.04.2025 and one *desi katta* and two live cartridge as well as some robbed articles were recovered from him. He had disclosed the name of his associates i.e. Vikas Tomar (applicant herein) and one Guddu @ Jhony. After completion of investigation, chargesheet was filed for offence punishable under Sections 392/394/397/411/34/120B of IPC and Section 25/27 of Arms Act.

4. The learned counsel appearing on behalf of the applicant argues that the applicant is innocent and has been falsely implicated in the present case. He also states that the accused/applicant has been arrested and put behind bars only on the basis of a disclosure statement of the co-accused. He also states that the charges are yet to be framed in the present case. It is also stated that merely because the Aadhaar Card and Visiting Card of the complainant has been recovered from the applicant, it cannot be a ground for denying bail to the accused/applicant.

5. The learned APP for the State, on the other hand, argues that the recovery of the documents belonging to the complainant as well as the fact that he has been identified during the Test Identification Parade points out that the present applicant was involved in the serious offence in question, and therefore, the applicant/accused be not released on bail.



6. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.
7. After hearing arguments and having gone through the case file, this Court notes that the charges in this case could not be framed as on the last date of hearing, it was the counsel for the accused who had sought adjournment before the learned Trial Court.
8. The allegations as reflected from the facts and investigation are serious in nature. The complainant had identified the applicant herein during the Test Identification Parade. The contention of the learned counsel for the applicant that only the Aadhaar Card and Visiting Card of the complainant had been recovered from the present accused/applicant, is of no significance at this stage, since the Aadhaar Card and Visiting Card were recovered from the house of the applicant at Ghaziabad, Uttar Pradesh, though the offence was committed at Delhi.
9. Therefore, the identification of the present applicant/accused during TIP, recovery of the documents of the complainant from the house of applicant situated in the State of Uttar Pradesh, for which he could give no justification at this stage, do not incline this Court to grant him bail.
10. Moreover, charges are yet to be framed and material witnesses are still to be examined. The applicant/accused is also involved in two other cases for commission of offence punishable under Section 307 of IPC and Section 392 of IPC, which are pending trial.
11. In view thereof, the present application for grant of bail stands rejected.
12. It is, however, clarified that nothing expressed herein above shall



tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 1, 2025/ns

[Click here to check corrigendum, if any](#)