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

+ **BAIL APPLN. 1044/2025**

RAJEEV @ VIKKU @ VICKY

.....Petitioner

Through: Mr. M.K. Singh, Mr. N.S. Tomar, Mr.
Kuldeep S., Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for the
State.

Insp. Sharad Kr. Bishnoi, SHO/SMRS.
ASI Naresh, IO.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **20.05.2025**

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS read with Section 439 of the CrPC seeks regular bail in case FIR No. 06/2019, under Sections 395/397/412/174A/34 of the IPC, registered at PS Subzi Mandi Railway Station.
3. The case of the prosecution against the present applicant as per the status report dated 21.04.2015 authored by Insp. Sharad Kumar Bisnoi, SHO, SMRS, Delhi, is as under: -

“It is submitted that the facts of the case are that on the intervening night of 16-17/ 01/2019, the aforesaid accused person along with his 11 other associates committed dacoity in coach No.S-8 of train No. 18101, Tata Muri Express on up line before Level Crossing No.13, Holambi Kalan Railway Station by force stopping running train by pulling the emergency chain. In that, they robbed cash, gold jewellery, mobile phones, and other articles of



passengers. Thereafter the accused persons committed dacoity in train No. 12266, Coach No. B-3, B-7 of Jammu Sarai Rohilla Duranto Express before Samay Pur Badli Railway Station by technically defaulting/tempering the signal and forcing the train to stop due to a red signal. In that, they again robbed cash, gold jewellery, mobile phones, and other articles of passengers in two coaches of the train. Earlier, a case vide FIR No. 01/2019, dated 17.01.2019 u/s. 392/34 IPC was registered based on a complaint given by a passenger of train No. 12266. The present case was earlier registered as Zero FIR at GRP, Pathankot, Punjab and later on receipt of said Zero FIR, it was registered at PS- Subzi Mandi Railway Station vide FIR No. 06/2019 dated 07.02.2019, U/S. 395/412 IPe and during the investigation, section 397/34 was added in this case.

On 10.02.2019 at about 5.30 pm, ASI Vinod, 10 of this case and Ct. Devender no. 141/Rly were in the area patrolling for crime prevention and investigation of this case PF No. 1 Sabzi Mandi Railway Station, Delhi side, two persons came in a suspicious state. Both the persons were scared of seeing the presence of police and when they were stopped and questioned, one of them ran away. ASI Vinod with the help of Ct. Devender arrested the other person, whose name and address were later found to be Md. Saddam @ Anna S/o Md. Yunus Mallik, R/o E- Block, JJ Colony, Bawana, Delhi. During sustained interrogation Mohd. Saddam @ Anna accepted his role in the dacoity of the present case. Mohd. Saddam @ Anna S/o. Mohd. Yunus was arrested in this case and one brown handbag containing a voter ID card and other documents of Smt Kamlesh Rani, one of the eyewitnesses of the incident was recovered from his house on his instance. As per his disclosure statement, 11 of its associates namely (1) Ramesh @ Kaptan (2.) Mohan Lal @ Googa (3.) Pankaj @ Lambu (4.) Shami Pal @ Deepak (5.) Pankaj Rohilla (6.) **Rajeev @ Vikku @ Vicky** (7.) Rahul (8.) Sallauddin and three unknown Babariya were involved in this case. Accused persons (1) Ramesh @ Kaptan (2.) Mohan Lal @ Googa (3.) Pankaj @ Lambu (4.) Shami Pal @ Deepak (5.) Pankaj Rohilla (6.) Mohd. Saddam @ Anna (7.) Sallauddin and (8.) Rajeev @ Vicky @ Vikku had already been arrested. Accused Ramesh @ Kaptan has already been released on 08/03/2019 by the Hon'ble Special Railway Magistrate, ODRS, Delhi in the present case. Accused persons (1.) Sallauddin, (2.) Shami Pal @ Deepak, (3.) Pankaj Rohilla and (4.) Pankaj @ Lambu are on Court bail.



Accused persons (1) Mohd. Saddam @ Anna, (2.) Mohan Lal @ Googa (3.) Rajeev @ Vicky @ Vikku are in Judicial Custody. Accused Rahul was declared a proclaimed offender by the trial Court on 15/09/2019. As per the disclosure statement of accused Saddam @ Anna, his associate Rajeev @ Vikku was carrying a country-made pistol in his hand during the time of the incident.

All sincere efforts were made to arrest the accused Rajeev @ Vikku @ Vicky, but he could not be arrested as he was absconding. Applicant accused Rajeev @ Vikku @ Vicky was declared Proclaimed Offender by the Special Railway Magistrate Court, Delhi in the present case on 15/05/2019. He was later arrested by Cyber Cell, Crime Branch, Delhi police U/S 35(1)D BNSS vide DD. No. 268A, Dt. 07/10/2024 and sent to judicial custody. He was formally arrested in the present case after obtaining permission from the Hon'ble Court on 08/10/24. Later the TIP of the accused Rajeev was fixed for 16/10/24 but Sh. Darshan kumar, complainant of the present case, did not join the TIP, hence the TIP was cancelled. After that, he was taken on two days of police custody remand as he confessed to being involved in the said incident along with his associates Mohan Lal @ Gunga and Rahul and other 9 associates and admitted to having a country-made pistol with him at the time of the incident, by showing which he also robbed the passengers along with his associates. The alleged pistol could not be recovered.

A supplementary charge sheet against the accused Rajeev @ Vikku @ Vicky has already been filed in the Hon'ble Court. The case is under trial and is at the stage of framing of charge. NDOH of this case is 29/04/2025.”

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. It is submitted that no recovery has taken place from the applicant. The evidence *qua* him is in the nature of disclosure statements of the co-accused persons. It is further pointed out that the supplementary charge-sheet stands filed and the applicant is facing trial. It is further pointed out that in a connected case being FIR No. 01/2019, under Sections 395/397/34 of the IPC, registered at PS Subzi Mandi



Railway Station, the applicant has been released on bail by the learned Trial Court *vide* order dated 08.11.2024.

5. *Per contra*, learned APP appearing on behalf of the State submits that the present applicant, initially, was declared a proclaimed offender in the present proceedings, and thereafter, he has been arrested. It is further submitted that he has been previously involved in other cases including FIR No. 01/2019 under Sections 395/397/34 of the IPC registered at PS Subzi Mandi Railway Station.

6. Heard the learned counsel for the parties and perused the records.

7. As per the case of the prosecution, another incident had occurred on the same intervening night of 16-17th January, 2019 with respect to which the other FIR No. 01/2019 was registered at the same police station. It is noted in the said FIR that the applicant has already been granted bail and in that FIR, he was also declared as a proclaimed offender. It is further submitted that the charge-sheet in the present case stands filed and the matter is at the stage of consideration of point of charge.

8. As per the nominal roll dated 09.04.2025, the applicant has been in judicial custody since 08.10.2024 and has undergone incarceration for approximately for more than 7 months.

9. In totality of the facts and circumstances, the present application is allowed and the applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.



- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
10. The application is allowed and disposed of accordingly.
11. Pending applications, if any, also stand disposed of.
12. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
13. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
14. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 20, 2025/kr

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