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

+ **BAIL APPLN. 2187/2024**

GURMEET SINGH@ SHERU

.....Petitioner

Through: Mr. Anil Dutt Sharma, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sandeep Kumar, SI, PS-PIA.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.03.2025

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1. The present application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 0534/2021 registered under Sections 364A/506 of the Indian Penal Code, 1860³ read with Sections 25/27 of Arms Act, 1959 registered at P.S., Patparganj Industrial Area, Delhi.

2. The case of the prosecution is as follows:

2.1 On 18th December, 2021, a PCR call *vide* DD No. 18-A was received at PS Patparganj Industrial Area regarding the kidnapping of a boy from Ghazipur Flower Market and a ransom demand of Rs. 50 lakh. On the basis of the statement of the Complainant/Victim, Sh. Kinshuk Aggarwal a case bearing FIR No. 534/2021 was registered. The Complainant alleged that on

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



17th December, 2021, at approximately 6:30 AM, he, along with his driver Jitender and decorator Richa, were kidnapped at gunpoint by an unknown person. The kidnapper contacted the victim's father, Sh. Vikash Aggarwal, *via* WhatsApp, initially demanding Rs. 1 crore, later reducing the demand to Rs. 50 lakh. Following negotiations, the ransom was paid by the Victim's father, who was called to the location, leading to the kidnapper releasing the victim, his driver Jitender, and Richa at the telephone exchange in Ashok Vihar. The kidnapper then took the victim's father with him in the victim's car. Later, the kidnapper got out of the car near Radisson Hotel, Paschim Vihar, Delhi, with the money bag in hand.

2.2 During the investigation, the CCTV footage showed that Gurmeet Singh was seen near Chotu Ram Dharmshala holding packets of money in his hands. After analysis of the CCTV footage the accused was identified as Gurmeet Singh @Sheru. On 24th December, 2021, Gurmeet Singh and his associate Kamal were arrested, and ₹6 lakh was recovered from Kamal's residence. Further analysis of Call Data Records⁴ revealed that the accused Gurmeet Singh (Applicant herein), Richa and her mother Anita Kapoor had been in contact with each other since a long time. It was discovered that Gurmeet Singh intended to marry Richa, but due to Anita Kapoor's debts, she proposed that he repay them before marriage. Consequently, the three hatched a conspiracy to kidnap Kinshuk Aggarwal and demanded a ransom for his release.

2.3. On 24th December, 2021, Richa and Anita Kapoor were arrested, with Rs. 20 lakhs recovered from Anita Kapoor's residence and Rs. 10 lakhs from the possession of Richa. The weapon of offence i.e., toy gun used in



the crime was also recovered from Gurmeet Singh. Out of the total ransom, Rs. 41.03 lakh was recovered during the investigation.

2.4 During further investigation the accused Gurmeet Singh refused to join TIP proceedings. However, he was correctly identified by the victim and his father during police custody.

2.5. The Trial is at the stage of prosecution evidence. Total 3 out of 30 witnesses examined so far.

3. The Applicant submits that he has been falsely implicated and urges the following grounds for seeking bail:

3.1 The Applicant has been in judicial custody since 24th December, 2021. The trial is the stage of prosecution evidence and only 3 out of 30 witnesses have been examined so far. The conclusion of trial is nowhere in sight.

3.2. There are several contradictions in the testimonies of PW-1 and PW-2.

3.3. The main witnesses already stand examined and there is no chance to tamper with evidence.

3.4. The co-accused Anita Kapoor and Richa have already been granted bail. The co-accused kamal has been discharged. Thus, even on grounds of parity the Applicant is entitled to bail.

4. *Per contra*, Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application. He submits that the offence committed by the Applicant is of grave nature and there is strong apprehension that he can hamper the process of the trial. The weapon of offence i.e., toy gun used in the crime was recovered from the Applicant. Additionally, the Complainant and his

⁴ CDRs



father have identified the Applicant when he was taken in police custody. Thus, there is enough evidence to implicate the Applicant. Furthermore, the witnesses, from whom the CCTV footages recording the incident have been recovered, are yet to be examined. Thus, there is likelihood of the Applicant influencing these witnesses. In light of these grounds, Mr. Kumar submits that bail should be denied to the Applicant.

5. This Court has considered the submissions advanced by both the parties. The Applicant's case is that he has been falsely implicated. Although the Complainant is said to have identified the Applicant as the kidnapper, PW-1 (the Complainant) testified that the kidnapper was wearing a mask during the incident and that he recognized the kidnapper based on his eyes and body. Counsel for the Applicant argues that the Applicant was shown to them after being taken into police custody and that is how they have identified the Applicant. He also emphasises that the CCTV footage is unclear, and the same raises doubts about the prosecution's case and the accuracy of the kidnapper's identity. These contentions merit consideration, but would have to be determined on the basis of evidence adduced by the Applicant, at the appropriate stage.

6. Nonetheless, it is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁵ Pertinently, the investigation in the present case has been concluded, and the trial is at the stage of prosecution evidence. The main witnesses i.e., the Complainant, his father

⁵ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



and the driver Jitender have been examined. Furthermore, only 3 out of 30 witnesses have been examined so far and the trial will take considerable amount of time. As per the nominal roll, as on 5th March 2023, the Applicant has been in custody for more than 3 years 2 months. Given that the investigation has been completed, all necessary evidence has been placed before the Trial Court, and the main witnesses have been examined, the continued detention of the Applicant would not serve any further investigative purpose. Additionally, the co-accused Richa, who was known to the Victim and his family and from whom a recovery of Rs. 10 Lakhs had been made, was granted bail by the Trial Court on 8th December, 2022. The Applicant has clean antecedents.

7. In view of the foregoing, the present application is allowed and the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 50,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- c. The Applicant shall appear before the Trial Court as and when directed;
- d. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;



- e. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
8. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and shall also not be taken as an expression of opinion on the merits of the case.
10. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

MARCH 20, 2025

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