



\$~4

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

+ **BAIL APPLN. 2337/2024**

JATIN

.....Petitioner

Through: Mr. Manu Padalia and Mr. Bhanu Sandriya, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State with SI Arvind Kumar Saini, P.S. Geeta Colony.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

27.01.2025

%

1. The present petition has been filed under Section 483 BNSS seeking bail in case FIR No. 649/2021 under Sections 395/397/412/34/120-B IPC and Sections 27/25 of the Arms Act registered at Police Station Geeta Colony.
2. Mr. Manu Padlia, the learned counsel appearing on behalf of the petitioner states that the petitioner is in custody since 26.11.2021 and though trial has commenced, but its completion does not appear to in sight. Elaborating on his submission, he submits that the prosecution has cited as many as 31 witnesses, but till date not a single witness has been examined.
3. He submits that the petitioner does not have any past antecedents. He submits that the case of the prosecution is that recovery of cash and *desi katta* was made at the instance of the present petitioner, but at the same time it is not the case of the prosecution that any shot was fired or any injury was caused to any person. He submits that the recovery of *katta* has been



planted to falsely implicate the petitioner.

4. *Per contra*, learned APP for the State opposes the present bail application.

5. I have heard the learned counsel for the petitioner as well as learned APP for the State.

6. A perusal of the record shows that status report has not been filed by the State till date. Insofar as the case of the prosecution is concerned, the allegations are that the complainant who was riding a scooty, was stopped by three masked men. After stopping him they took away his scooty which allegedly contained cash amounting to Rs.1,50,000/-, thereby committing an offence of robbery.

7. Further case of the prosecution is that *katta* and cash were recovered at the instance of the petitioner. On a query posed by the Court, learned APP for the State, on instructions from the IO, fairly states that it is not the case of prosecution that any pistol shot was fired nor it is the case of prosecution that any person was injured.

8. The charges have though been framed but it is not in dispute that till date not a single witness has been examined and the prosecution has cited as many as 31 witnesses in the present case, therefore, there is no possibility of trial being concluded anytime soon in near future. The petitioner, who is in custody since 26.11.2021, cannot be incarcerated for an indefinite period to await the outcome of trial when the prosecution evidence has not even commenced.

9. That apart, it is also not the case of the prosecution that the petitioner has any criminal record. Since the status report has not been filed, therefore, there is nothing on record to suggest that the petitioner is a flight risk. In



any case appropriate conditions could be imposed to ensure the presence of the petitioner during trial.

10. Considering the aforesaid circumstanced in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount subject to the satisfaction of the learned Jail Superintendent/Trial Court/JMFC/Duty JM, further subject to the following conditions:

- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant or witnesses directly or indirectly.
- d) Petitioner shall not change his address without prior intimation to the Investigating Officer concerned.

11. The petition stands disposed of.

12. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

13. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

14. Order *dasti* under signatures of the Court Master.



15. Order be uploaded on the website of this Court.

JANUARY 27, 2025

AK

VIKAS MAHAJAN, J