



2025:DHC:4287



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 23.05.2025**

+ BAIL APPLN. 3599/2024, CRL.M.A. 30243/2024

SURAJ @FIGHTER

.....Petitioner

Through: Mr. Babul Kumar, Ms. Samita
Singh and Ms. Anita Rajput,
Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP
for State.ASI Mukesh and ASI Sanjeev
P.S. Subzi Mandi.

ASI Rakesh, P.S. Paharganj.

CORAM:**HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J (ORAL)**

1. The present Bail Application has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of the Petitioner/Applicant seeking grant of Regular Bail in connection with SC No. 694/2021 pending before Learned Additional Sessions Judge-03, Central District, Tis Hazari Courts, Delhi arising out of FIR No. 52/2021 dated 29.01.2021 registered at P.S. Subzi Mandi, North Delhi, Delhi for offences punishable under sections 419, 420, 34 of the Indian Penal Code, 1860 ("IPC").

2. The case of the prosecution is that one Mr. Vyaan Ajane Tarak Mandal (Complainant) is engaged in the business of Jewellery making and on the night of 28.01.2021 at around 9:15 p.m., the complainant, along with his friend and his brother-in-law, had left for Lucknow for



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the purpose of selling a golden jewellery weighing about 2.5 Kgs, kept inside a bag, on a TSR bearing No. DL 1RZ-2526 to go to ISBT Kashmiri Gate. While on their way, they were robbed by three persons impersonating themselves as officials of the Crime Branch. The robbers had taken his bag on the pretext of checking the bag, being the officers of the Crime Branch, and thereafter, they disappeared.

3. It is further the case of the prosecution that the said three boys had robbed the gold items from the complainant by using a pistol and knife.

4. During the course of the investigation, the petitioner, along with the co-accused person, was arrested in connection with the FIR No. 579/2021 under Section 25 of the Arms Act, 1959 registered at the Police Station Moti Nagar and he made a disclosure statement for having committed the offence in the present case also. Thereafter, the petitioner was interrogated by the Officers of the Police Station Subzi Mandi and formally arrested him after obtaining the permission from the Court. His Test Identification Parade (TIP) was conducted and he was duly identified by the Complainant. An amount of Rs. 45,500/-, sports shoes and a bed purchased from the sale of the robbed jewellery were also recovered during the course of the investigation.

5. Further, on the subsequent statement of the complainant recorded by the Police, Section 392 IPC was included. On conclusion of the investigation, the Charge-sheet was filed under Sections 419, 420, 392, 398, 411, 34 IPC.

6. In the course of the trial proceedings, the Petitioner filed three bail applications before the learned ASJ-03, which came to be



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dismissed vide orders dated 11.01.2022, 18.04.2022 and 06.06.2024, which led to filing of the present application seeking grant of regular bail before this Court. .

7. Pursuant to the Order dated 27.03.2025, the learned APP has filed a fresh nominal roll, which is taken on record.

8. While seeking bail for the petitioner, the learned counsel submits that the petitioner has suffered a long period of incarceration, being in custody since his date of arrest i.e. 05.10.2021. Though, he may be involved in number of criminal cases, in most of which, false FIR has been registered and he has been acquitted.

9. He submits that till date, only nine witnesses have been examined by the prosecution and almost all the material witnesses have been examined. Thus, there is no apprehension of tampering with the evidence. He submits that in these circumstances, no purpose will be served by keeping the petitioner in the custody. To strengthen his submissions, he places reliance upon the Judgment of Supreme Court in **Tapas Kumar Palit vs. State of Chhattisgarh**, 2025 SCC OnLine SC 322.

10. The learned APP, while seeking dismissal of the application, vehemently submits that the petitioner is not entitled to the discretionary relief of bail, especially keeping in view his past conduct. Since the year 2014, he is involved in several criminal activities and has been booked under as many as 39 FIRs, which are of similar nature. The status of the FIRs is as follows:-

Sr No.	District	Police Station	FIR No.	Under Section	Status of the Case
1.	West	Janakpuri	646/2014	380 IPC	Discharged



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2.	West	Janakpuri	86/2014	380/457 IPC	Released
3.	West	Janakpuri	965/2014	380 IPC	Released
4.	West	Janakpuri	110/2014	380 IPC	Released
5.	West	Janakpuri	95/2014	379 IPC	Released
6.	West	Janakpuri	1370/15	392/394/34 IPC	Released
7.	West	Janakpuri	1377/15	392/411/34 IPC	Acquitted
8.	West	Vikaspuri	354/19	25/54/59 Arms Act	Pending Trial
9.	West	Vikaspuri	325/19	356/378/34 IPC	Released
10.	West	Vikaspuri	1015/19	379/411 IPC	Released
11.	West	Vikaspuri	21116/21	379/411 IPC	Acquitted
12.	West	Moti Nagar	579/21	25/54/59 Arms Act	Pending Trial
13.	West	Moti Nagar	563/21	356/379/34 IPC	Released
14.	West	Tilak Nagar	480/17	379/411 IPC	Acquitted
15.	West	Tilak Nagar	180/17	392/34 IPC	Acquitted
16.	West	Tilak Nagar	273/17	380/457 IPC	Released
17.	West	Tilak Nagar	255/17	379 IPC	Released
18.	West	Tilak Nagar	277/17	379 IPC	Released
19.	West	Tilak Nagar	638/17	380/454 IPC	Released
20.	West	Tilak Nagar	514/17	379/411 IPC	Compounded
21.	West	Tilak Nagar	481/17	379/411 IPC	Acquitted
22.	West	Kirti Nagar	23718/21	379/411 IPC	Acquitted
23.	Outer	Nihal Vihar	45/2020	308/336/34 IPC & 27/54/59 Arms Act	Pending Investigation
24.	Outer	Ranhola	178/15	380/457/411/34 IPC	Pending Trial
25.	Outer	Ranhola	575/16	392/411/34 IPC	Acquitted
26.	West	Janakpuri	863/2014	380/411/34 IPC	Convicted
27.	Outer	Ranhola	574/16	392/411/34 IPC	Pending Trial
28.	Outer	Ranhola	011863/20	379/411/34 IPC	Compounded
29.	Dwarka	Uttam Nagar	1055/14	380/457/34 IPC	Acquitted
30.	Dwarka	Uttam Nagar	1713/19	379/411 IPC	Compounded
31.	North	Sarai Rohilla	394/20	356/379/411 IPC	Acquitted
32.	North	Sarai Rohilla	22105/21	379/411 IPC	Compounded



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33.	North	Subzi Mandi	52/21	419/420/34 IPC	Pending Trial
34.	Central	Anand Parbat	26684/21	379/411 IPC	Compounded
35.	Central	Rajender Nagar	24906/19	379/411 IPC	Compounded
36.	North West	Maurya Enclave	206/2021	379/411 IPC	Compounded
37.	North West	Adarsh Nagar	32448/20	379/411/482 IPC	Compounded
38.	South West	South Campus	212/2021	379 IPC	Released
39.	Shahda ra	Shahdara	31118/20	379 IPC	Compounded

11. Learned APP submits that even as on date, 05 cases against the petitioner are pending trial and in 01 criminal case, the investigations are going on. She submits that the incident, in the present case, had occurred on 28.01.2021 and the petitioner was arrested on 05.10.2021, even during this period, the petitioner had committed a number of offences. She further submits that out of 29 witnesses cited by the prosecution in the present case, 09 witnesses have been examined and the next date of hearing before the learned Trial Court is 12.06.2025. The witnesses examined so far have supported the case of the prosecution. The petitioner was also duly identified during the TIP proceedings and the other two co-accused involved in the present case are also in custody.

12. Undoubtedly, the petitioner, being an under trial prisoner, has a right to a speedy trial. Needless to say, the long years of incarceration leaves a deep impact on the life of an accused. However, multifarious factors are required to be considered while evolving a balanced approach between the conflicting interests of an accused and that of the society. It is not denied that the liberty of an individual is a valuable right, however, the safety and the interests of a society cannot



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be overlooked at the same time.

13. In the present case, the petitioner has been charged for having committed robbery upon the Complainant of his gold weighing around 2.5 kgs, the Complainant and the victim have duly identified the petitioner as having committed the offence along with other co-accused persons. The nominal roll and the status report filed by the learned APP regarding the antecedents of the petitioner evidences that the petitioner, since 2014 till 2021, had been involved in 39 criminal cases. In the present case, he was arrested on 05.10.2021. No doubt, out of the 39 cases, 09 cases have been compounded, in 01 case, he was discharged, in 13 cases, he has been released and in 09 cases, he has been acquitted. The petitioner has suffered conviction in 01 case. 05 cases are pending trial and in 01 case, the investigation is going on. The nominal roll reveals that his conduct in the jail in the last one year is 'unsatisfactory'. Since July, 2017 till June, 2024, for his conduct, 13 punishments have been inflicted upon him, while being in custody.

14. Keeping in view, the past antecedents, the unsatisfactory conduct of the petitioner in Jail, the other two co-accused persons are also in custody as well as the gravity of the offence involved in the present case, this Court does not find it to be a fit case to enlarge the petitioner on bail.

15. The present application seeking regular bail is, accordingly, dismissed, along with pending application.

SHALINDER KAUR, J

MAY 23, 2025/KM/hnr

Click here to check corrigendum, if any