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

+ **BAIL APPLN. 4193/2024**

NEERAJ

.....Petitioner

Through: Mr. Prashant Kumar Mittal, Adv.
versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

28.03.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS has been filed seeking regular bail in case FIR No. 212/2017, under Sections 395/397/412/34 of the IPC, registered at PS Lahori Gate.
3. The case of the prosecution against the present applicant, as per the status report dated 12.12.2024 authored by Inspector Kamal Kishor, SHO PS Lahori Gate, is as under: -

“1. Most respectfully submitted that on 11.11.2017 a PCR call was received in PS Lahori Gate regarding apprehension of a thief. On this, then SI Pankaj Kumar reached at the spot i.e. 431 IInd Floor Kucha Brijnath, Chandani Chowk where two person namely Neeraj (Petitioner) and Farsa Ram were caught by the public. Complainant Mahender Kumar gave his statement and stated that on the day of incident he was present at his office and at 07:00 AM three persons entered into his office. One accused person namley Farsa Ram put dagger on his neck and the second accused person Neeraj (petitioner) punched on his face and tied his hand with the help of a rope and the third accused person took him on gun point. After that the accused persons took the keys of almirah and looted Rs. 61 thousand from the almirah. The complainant further stated that the person, who showed him the pistol, looted three mobile phones from his office. After the said robbery all three accused persons tried to flee from the spot but



the complainant made a noise from window and the public persons apprehended the accused persons namely Farsa Ram and accused Neeraj (petitioner) on the spot but the third accused managed to flee after throwing his pistol on the road.

2. The dagger which was used in commission of crime was recovered from accused Farsa Ram and looted amount Rs. 11 thousand were recovered from the possession of accused Neeraj (petitioner).

3. On the statement of complainant, the case FIR No. 212/17 U/s 395/397/412/34 IPC and 25/27 Arms Act, PS Lahori Gate was registered and both the accused persons Farsa Ram and Neeraj were arrested and they were produced before the Concerned Court and two days police custody remand was obtained. During Police custody remand third accused Vaibhav was also arrested on the instance of Farsa Ram and Neeraj. Looted amount Rs, 50 thousand were recovered from the possession of Vaibhav.”

4. Learned counsel for the applicant has submitted that the latter, as per the case of the prosecution, has been implicated in the present case. It is submitted that co-accused, Farsa Ram, who had allegedly put dagger on the neck of the complainant, has already been granted bail by a Coordinate Bench of this Court *vide* order dated 16.11.2021 passed in BAIL APPLN. 1554/2021. It is further submitted that the other co-accused, Vaibhav, who allegedly had shown gun to the complainant, has also been granted bail by the learned ASJ on 06.03.2020.

5. It is further submitted that the applicant has been in custody since 11.11.2017 and he is either on bail or has been acquitted in the other cases in which he has been involved. Learned counsel for the applicant has handed over in Court today an order granting bail to the applicant in other FIR and the same is taken on record.

6. *Per contra*, learned APP for the State has submitted that the allegations made against the applicant are serious in nature and role ascribed to the



present applicant is different from his co-accused persons and also, that the complainant has identified the present applicant before the learned Trial Court. It is further submitted that the present applicant is involved in three other cases.

7. Heard learned counsel for the parties and perused the record.

8. It is a matter of record that the other co-accused, Farsa Ram and Vaibhav, have been granted bail by the Coordinate Bench of this Court and learned ASJ respectively. The veracity of the allegations as per the case of the prosecution against the applicant along with other evidence placed on record will be analysed during the course of trial at appropriate stage.

9. Insofar as the other cases in which the present applicant is stated to have been involved, either he has been acquitted or granted bail by the concerned Court.

10. Chargesheet in the present case has been filed. The case is at the stage of prosecution evidence and out of the 14 witnesses cited by the prosecution, 8 have been examined so far. Nominal roll dated 28.02.2025 shows that the applicant, as on 26.02.2025, has undergone incarceration for more than 7 years. All public witnesses have been examined.

11. In the totality of the facts and circumstances of the present case, the application is allowed and the applicant is admitted to bail upon his furnishing a personal bond in the sum of Rs. 25,000/- alongwith one surety of like amount to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions: -

- i. The applicant shall not leave the country 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. He shall not switch off or change the mobile number without prior information to the Investigating Officer.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence or threaten the witnesses in any manner.
12. The application is allowed and disposed of accordingly.
 13. Pending applications, if any, also stand disposed of.
 14. Needless to state that, nothing stated 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.
 15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 16. Order be uploaded on the website of this court *forthwith*.

MARCH 28, 2025/gs

AMIT SHARMA, J
Click here to check corrigendum, if any