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

+ **BAIL APPLN. 4454/2024**

MONU SHARMA

.....Petitioner

Through: Mr. Nitin Saluja, Ms. Sanskriti Bansal
and Mr. K.S. Jaggi, Advocates.

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Mansi Sharma,
Advocate.
SI Sushil Malik, ISC, Crime Branch.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

19.03.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks regular bail in case FIR No. 171/2018, under Sections 392/395/397/412/414/120B/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959 registered at P.S. Naraina.
3. The case of the prosecution is that the present FIR was registered on a complaint of one Sh. Kashish Bansal, who alleged that in the afternoon of 02.08.2018, he was going to Gurugram along with his driver Shambhu in his car to deliver cash of Rs. 70 lakhs to his brother-in-law's friends namely Saurabh Bansal and Deepak Ghatana. It is alleged that at about 02:35 P.M., when they reached Naraina Flyover, the traffic was heavy and their car was touched by a motorcycle which was running in front of their car. It is alleged



that three boys were sitting on the motorcycle and out of them, two boys had come towards the complainant and one of them showed him a country made pistol and the other asked him to open the door. After the complainant opened the door, one of the boys pointed a pistol at him and the other lifted the remote key and mobile phone from his car and also took out the bag containing cash worth Rs. 70 lakhs from the dickey of the car and ran away on the motorcycle from the spot.

4. During the course of the investigation, on the basis of the video footage provided by a passerby, the present applicant-Monu Sharma was identified and was arrested in case FIR No. 200/2018 under Section 25/54/59 of the Arms Act, P.S. Adarsh Nagar. On the basis of the said video footage, the present applicant was arrested in the present case and after his interrogation Rs. 9.41 lakhs and one country made pistol was recovered at his instance.

5. During the course of the investigation, the other accused persons including Shambhu (driver of the complainant) was also arrested and recoveries were made *qua* them. On completion of investigation, the chargesheet stands filed before the Court of competent jurisdiction and the matter is at the stage of prosecution evidence.

6. Learned counsel appearing on behalf of the applicant submits that all other co-accused persons have granted bail. It is pointed out that from the said co-accused persons, recoveries ranging from 1 lakhs to 8 lakhs had been made. It is submitted that from co-accused Jitender there was a recovery of Rs. 8 lakhs and from Rajiv @ Hawa Singh, a recovery of Rs. 5.91 lakhs. All the co-accused persons as pointed out hereinabove, have been released on bail. The applicant has been in custody since 06.08.2018, which brings the period in judicial incarceration for more than 6 and a half years. It is pointed



out that the prosecution has cited 17 witnesses and out of which, only 8 have been examined so far. It is pointed out that the video footage, on the basis of which the present applicant was arrested, the source of the said footage has never been recovered and, therefore, is inadmissible in evidence. It is also submitted that the identification by the complainant/PW-2 *i.e.*, Kashish Bansal is also doubtful inasmuch as in his cross-examination, he had stated that he had never seen the accused in the police station and saw him for the first time at the Trial Court.

7. *Per contra*, learned APP for the State submits that the offence is serious in nature and the present applicant has been identified through the video footage as well as by the complainant/PW-2 during the course of his testimony before the learned Trial Court. It is also submitted that the applicant has a previous involvement as reflected from the nominal roll.

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

9. It is noted that all the other co-accused persons in the present case have been granted bail and all the public witnesses including the complainant have been examined. The nominal roll dated 14.12.2024 shows that the applicant had undergone incarceration for 6 years 4 months 8 days, which presently brings his period in custody to nearly 6 years 7 months. As per the nominal roll, the applicant is on bail in the other case, in which he is facing trial. Out of 17 prosecution witnesses, only 8 have been examined so far and the trial is not likely to conclude in the near future.

10. Without commenting on the merits of the case, in totality of the fact and circumstances, the applicant is directed to be release 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.
11. The application is allowed and disposed of accordingly.
 12. Pending application(s), if any, also stand disposed of.
 13. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
 14. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 15. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 19, 2025/bsr/sc

Click here to check corrigendum, if any