



2025:DHC:3079



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 28.04.2025***+ **BAIL APPLN. 4579/2024, CRL.M.A. 37458/2024****HANUMAN @ PANDIT**

.....Petitioner

Through: Mr. Subhash Solanki, Mr.
Abhay Bhati, Mr. Himashik
Kapoor and Mr. Bhaskar
Vashistha, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP
for State along with IO.

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

1. By way of the present petitions under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the petitioner seeks grant of regular bail in FIR No. 170 of 2022 dated 15.02.2022 registered for offences under Section 342/392/397/34/120B of the Indian Penal Code, 1860 (IPC) and Section 25/27 of the Arms Act, 1959 at Police Station (PS) Lahori Gate.

2. It is the case of the prosecution that on 14.02.2022, a PCR call vide DD No. 59A was received at PS Lahori Gate, Delhi, regarding



2025:DHC:3079



the robbery of Rs. 30 lakhs. The said call was marked to SI Sandeep Singh who reached the spot and met the complainant, Manoj Kumar. The complainant stated that he was employed by Mahesh Kumar to manage the office and to collect payments.

3. On 14.02.2022, at around 11:30 AM, Mahesh Kumar contacted the complainant telephonically and asked for the serial number of a Rs. 10 currency note, which was provided by the complainant. Mahesh Kumar then shared two mobile numbers with instructions to contact them and collect Rs. 30 lakhs against the said note. The complainant contacted the given numbers and was called to Lahori Gate Chowk, where a young man took him to property no. 2700, Gali Pattey Wali, Naya Bazar, Lahori Gate, Delhi. There, three more persons were present and asked him for the said note which he gave to them. Upon handing over the Rs. 10 note, he was threatened at gunpoint and was asked to falsely inform Mahesh Kumar that he had received Rs. 30 lakhs and the complainant incorrectly reported to Mahesh Kumar that he had received the amount. Using the information obtained through the serial number of the note, their contact in Agra collected Rs 30 lakhs from known of Mahesh Kumar. This payment should have never made to them.

4. Accordingly, FIR No. 170/2022 under Sections 342/392/397/120B/34 IPC and Sections 25/27 of the Arms Act was registered at PS Lahori Gate on 15.02.2022. During investigation witness Abhinav confirmed that two individuals had contacted him through a WhatsApp call for renting a room at the place of incident.



2025:DHC:3079



The owner of this property provided the key to two persons and later, the caretaker reported a scuffle at the property.

5. Technical surveillance was mounted after obtaining witness version from Agra and subsequent corroboration by witnesses from Aligarh. Upon analysis of the suspect telephone numbers and their communication with the victim and witnesses, one Pankaj Saraswat, resident of Bikaner, who played a key role in the robbery, was arrested on 20.02.2022. Upon interrogation, he disclosed that he hatched a conspiracy with Hanuman @ Pandat (the petitioner herein) to commit robbery targeting Angadiyas (money transfer agents) and took the abovesaid room on rent.

6. During the course of investigation, it has been revealed that the accused Sumin @ Somi is already arrested in FIR No. 111/2022, PS Sadar, Gurugram, he was arrested in the present case on 11.03.2022. He disclosed that Hanuman @ Pandat had shared the plan of the robbery with him, and Kulwant @ Monu had joined Hanuman and Pankaj Saraswat in Delhi, along with two pistols arranged by Sumin and one pistol already with Hanuman. It was further disclosed that the robbery at Naya Bazar was executed by Pankaj, Kulwant, Sumin, and Hanuman.

7. Subsequently, a Charge-Sheet under Sections 342/392/397/411/120B/34 IPC and Sections 25/27 Arms Act was filed against Pankaj Saraswat, Bhawani Shankar, and Sumin @ Somi before the learned Trial Court.

8. Further, during the course of investigation, proceedings under



2025:DHC:3079



Section 82 Criminal Procedure Code, 1973 (CrPC) were initiated against the petitioner. On 21.08.2022, an intimation regarding his arrest in FIR No. 1151/2022, PS Puna, Surat, Gujarat, was received at PS Lahori Gate, Delhi. The accused disclosed his involvement in the present case. On 17.01.2023, he was formally arrested in the present case and his disclosure statement was recorded, wherein he disclosed that he has looted an amount of Rs 30 lakhs with the help of his associates.

9. A supplementary Charge-Sheet under Sections 395/342/392/397/34/120B/411 IPC and Sections 25/27 Arms Act has been filed against all the accused persons. Charges have been framed against the accused.

10. The bail application of the petitioner has already been dismissed by the learned Trial Court.

11. The learned counsel for the petitioner submits that co-accused person namely Pankaj @ Girdhari has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 24.07.2024 and another co-accused namely Bhawani has been granted bail by the learned Trial Court *vide* order dated 14.08.2024. The petitioner, therefore, seeks parity in the present matter.

12. He further submits that petitioner was arrested on 15.12.2022 and has been custody since then. More so, all the public witnesses have been examined, and the conclusion of this trial is likely to take time.

13. Further the learned counsel submitted that no recovery has been



2025:DHC:3079



affected from the possession of the petitioner or at his instance.

14. In the given circumstances of the case, the learned counsel submits that the petitioner holds a strong *prima facie* case in his favour. Thus, he prays that the petitioner be admitted to bail in the present case.

15. The learned APP for the State while seeking the dismissal of the present petition submits the petitioner is involved in the conspiracy related to the present case. There are specific allegations of being involved in the robbery against the petitioner and he had threatened the complainant at gun point. Additionally, he submits the petitioner refused to participate in the TIP proceedings and was duly identified by the witness during the course of the investigation.

16. Having heard the submissions made on behalf of the petitioner and the State, and perused the record. It is relevant to mention that the Investigating Officer has stated that even though the intimation of the today's hearing was sent to the complainant, however he is not present today.

17. The role assigned to the petitioner is that he was present at the spot with the other accused persons and had also used a pistol to threaten the complainant. Undoubtedly, the said pistol was neither recovered from the possession nor at his instance. Also, the material public witnesses have been examined.

18. As per the Nominal Roll of the petitioner, he has been in custody for a period of approximately two years and three months, i.e., since 15.12.2022. Furthermore, it is pertinent to note that co-accused



2025:DHC:3079



Pankaj @ Girdhari was granted bail by a Co-ordinate Bench of this Court *vide* order dated 24.07.2024, and another co-accused, Bhawani, was admitted to bail by the learned Trial Court *vide* order dated 14.08.2024

19. In view of the entire gambit of facts, the petitioner is admitted to regular bail in the subject FIR, on his furnishing a personal bond in the sum of ₹ 30,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:

- i. The Petitioner shall not leave the NCT of Delhi without prior permission of the Learned Trial Court.
- ii. The Petitioner shall report at P.S. Lahori Gate, Delhi every Wednesday between 4:00 P.M and 6:00 P.M. The concerned officer shall release the Petitioner after recording his presence and after completion of all the necessary formalities.
- iii. The Petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.
- iv. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- v. The Petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- vi. The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the Prosecution



2025:DHC:3079



witnesses or other persons acquainted with the facts of case.

- vii.** The Petitioner shall also not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending Trial.

20. It is made clear that no observations made above shall tantamount to be an expression on the merits of the Petitioner's case and they have been made for the purpose of consideration of Bail alone.

21. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.

22. The present Bail Application is disposed of in the abovesaid terms.

SHALINDER KAUR, J

APRIL 28, 2025/SK

[Click here to check corrigendum, if any](#)