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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4754/2024**
SUNIL KUMAR THROUGH PAIROKAR NEPHEW SUMIT

.....Petitioner

Through: Mr. Ravinder Naryana, Sr. Advocate
with Mr. Ashwani Tyagi & Mr. Rohit,
Advocates.

versus

STATE OF N.C.T.OF DELHI THROUGH SHO PS- MUNDKA
AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for State.
S.I. Umesh Dalal, PS Mundka, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

13.01.2025

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1. The present Bail Petition under Section 439 of the Code of Criminal Procedure, 1973 (now Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has been filed on behalf of the Petitioner seeking Regular Bail in e-FIR No. 014444/2024 under Sections 379/420/406/411/120-B/201 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) registered at Police Station Mundka, Delhi.
2. It is submitted in the Petition that the Petitioner was arrested by the Police on 06.06.2024 and nothing has been recovered at his instance and his custodial interrogation is no longer required.
3. It is also submitted that the Chargesheet has already been filed by the Police. Moreover, co-accused, Iftikar has already been granted bail along with two co-accused, namely, Mandeep Singh Sidhu and Sahab Singh Sidhu.
4. It is claimed that no role has been played by the Petitioner in



commission of offence and he has been falsely implicated in the case.

5. It is further submitted that the Petitioner is 38 years of age and has a family to sustain. No purpose would be served by keeping the Petitioner in judicial custody.

6. Therefore, the prayer is made that the Petitioner may be granted Regular Bail.

7. **The Status Report** has been handed over on behalf of the Respondent, wherein it is submitted that according to present FIR, the Complainant-Jafu had stated that he had been approached by one unknown person (Iftikar), who took his Truck bearing No. HR 73 A 1189 on the pretext that he would put it on Hire basis with Relaxo Company, Delhi, in lieu of which, he would get Rs. 1,10,000/- per month as Hire charges.

8. The Complainant-Jafu brought his Truck at Tikri Border, Delhi, wherein he met another unknown person (the Petitioner herein), who accompanied the Complainant-Jafu to Gali No. 5, Netaji Subhash Vihar, Tikri Kalan, Delhi and asked him to park his Truck by roadside and return after two days after the Agreement was prepared. The keys of the Truck were accordingly handed over to the Petitioner.

9. It is submitted that on 10.05.2024, Rs. 25,000/- were credited in Complainant-Jafu's wife's account. Again on 15.05.2024 and 17.05.2024, Rs. 40,000/- and Rs. 20,000/- were credited respectively in the Complainant-Jafu's wife account.

10. It is further submitted that on 06.05.2024, the Complainant-Jafu checked GPS location of his Truck in his mobile and was eventually not able to get the exact location of the same except that it was at somewhere in Kaithal District of Haryana. After some time, the GPS location of the Truck



was not traceable. Thereafter, the Complainant-Jafu filed the present e-FIR in regard to the theft of his Truck.

11. After the registration of FIR, a raid was conducted at the last known location of the Truck i.e., Kaithal, Haryana. When the raiding team reached Andali District Kaithal, Haryana, a Tin shaded garage was found; on checking the same, the pieces of scrap of the Truck of the Complainant-Jafu were found loaded with the scrap of another Truck and the same were seized. The garage from where the scrap of the Complainant-Jafu's Truck was found, belonged to co-accused Mandeep Singh Sidhu and Sahab Singh Sidhu.

12. It is submitted that Mandeep Singh Sidhu and Sahab Singh Sidhu moved the Bail Petition bearing Nos. BAIL APPLN. 2117/2024 and BAIL APPLN. 2118/2024 respectively before this Court seeking Anticipatory Bail which were allowed *vide* common Order dated 09.07.2024.

13. It is also submitted that the accused Iftikar has also been granted Regular Bail *vide* Order dated 21.12.2024 by the learned link Metropolitan Magistrate.

14. **The present Bail Petition has been opposed on behalf of the State** on the ground that there are three FIRs, including the present FIR, being FIR No. 14447/2024 under Sections 379/420/406/34 of IPC, 1860 and FIR No. 14474/2024 under Section 406 of IPC, 1860 both registered at Police Station Mundka, Delhi on similar allegations.

15. Learned Additional Public Prosecutor has also opposed the present Petition on the ground that it is the *modus operandi* of the accused Petitioner to misappropriate the vehicles and sell them as scrap which is evident from the aforesaid three FIRs, including the present one, which has been



registered against him.

16. Submissions heard and the record perused.

17. The case of the prosecution against the Petitioner is that he and the other co-accused Iftikar had negotiated with the Complainant-Jafu for putting his Truck on hire basis for a monthly Rs. 1,10,000/- in Relaxo Company, of which the Petitioner was a co-conspirator insomuch as the Truck brought by the Complainant-Jafu to Gali No. 5, Netaji Subhash Vihar, Tikri Kalan, Delhi, was asked by the Petitioner to be parked on the roadside and he had taken the keys. The said Truck has subsequently been found to be scrapped in a tin shaded garage of the co-accused Mandeep Singh Sidhu and Sahab Singh Sidhu at Andali District Kaithal, Haryana.

18. The co-accused Mandeep Singh Sidhu, Sahab Singh Sidhu and Iftikar have already been admitted to bail. The Chargesheet has already been filed. The accused is in judicial custody from 06.06.2024.

19. In view of the circumstances and the facts narrated above, the Petitioner is admitted to Regular Bail in e-FIR No. 014444/2024 registered under Sections 379/420/406/411/120-B/201 of IPC, 1860 at Police Station Mundka, Delhi, upon his furnishing a personal bond in the sum of Rs. 25,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, and 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 his mobile number and also the mobile number of their wife/surety to the IO concerned, both of which shall be kept in working condition at all times and they shall not change the mobile numbers without prior intimation to the Investigating Officer



concerned;

c) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case; and

d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

20. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.

21. Accordingly, the present Petition is disposed of.

22. The Status Report handed over today in the Court, be taken on record.

NEENA BANSAL KRISHNA, J

JANUARY 13, 2025

S.Sharma