



2025:DHC:2814



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 22.04.2025*

+ BAIL APPLN. 130/2025

VIJAY BHAN PANDEY THOUGH PAROKAR PARMOD

PANDEY

.....Petitioner

Through: Mr. Mukesh Gupta and Mr.
Sachin Singh, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Raghuinder Verma, APP
SI Habib Khan, ERI, Crime
Md. Nurul Hasan, Adv. for
complainant.**CORAM:****HON'BLE MS. JUSTICE SHALINDER KAUR****SHALINDER KAUR, J (ORAL)****CRL.M.A. 891/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

BAIL APPLN. 130/2025

3. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking Regular Bail in FIR No.125/2021 dated 10.07.2021 for the offences punishable under Sections 392, 397, 342, 411, 120B and 34 of the Indian Penal



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Code, 1860 (IPC) and Section 25 and 27 of the Arms Act, 1959 registered at Police Station Crime Branch, Delhi.

4. The genesis of the present case lies in the complaint lodged by one Mr. Mohd. Wahid Vasi, a native of Kolkata, West Bengal, presently employed as a laborer in Riyadh, Saudi Arabia, since the year 2018. As per the prosecution, on 09.07.2021, the complainant, along with four of his associates, returned to India for the first time since his overseas employment, intending to visit their hometown in West Bengal. The flight carrying the complainant and his companions landed at the Indira Gandhi International (IGI) Airport, New Delhi, from where they proceeded towards the New Delhi Railway Station to board a train to Kolkata.

5. It is alleged that on the intervening night of 09/10.07.2021, while the complainant and his companions were present at the New Delhi Railway Station, they were approached by an individual who informed them that, in order to travel by train, a valid COVID-19 report was required. Upon being apprised of this requirement, the complainant stated that they were already in possession of COVID-19 reports issued at the IGI Airport. However, the said individual insisted that the reports issued at the airport were not valid for train travel and that fresh report would be necessary.

6. Relying upon what the said individual stated, and in the hope of obtaining the requisite reports and train tickets, the complainant and his associates acceded to the request of the said individual and accompanied him to an office situated in the Paharganj area of Delhi.



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There, they were informed that the COVID-19 reports would be ready by the following morning and that their train to Kolkata was scheduled to depart at 12:40 p.m. on 10.07.2021. It was further conveyed to them that the reports could be collected by 11:30 a.m. from the same office. The said individual also arranged for the complainant and his associates to be accommodated in a hotel in Paharganj for the night.

7. On 10.07.2021, at approximately 11:30 a.m., the complainant, along with his four companions, returned to the office whereupon their arrival, they found six individuals present. At that location, the complainant and his associates were shown purported COVID-19 reports and were asked to pay a sum of 897 Saudi Riyal, in exchange for being handed over the said reports, however, the complainant refused to pay the aforementioned amount. Thereupon, it is alleged that one of the six individuals present drew a country-made pistol, and another drew a knife, both of which were brandished at the complainant and his companions. The remaining four individuals seized the complainant and his group, held them hostage at gunpoint and knifepoint, proceeded to give them a beating. They also frisked the complainant and his companions, and robbed them of a sum of 3,500 Saudi Riyal and ₹17,970 in Indian currency, in addition to other valuable items including wrist watches, mobile phones, and miscellaneous belongings.

8. Thereafter, the accused are alleged to have issued threats of dire consequences, including the snatching of the complainant and his



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companions passports, in the event that the matter was reported to the police.

9. Subsequent to the above incident, and shortly before the scheduled departure of the complainant's train to Kolkata, the accused persons summoned coolies to transport the luggage of the complainant and his companions to the platform. All five aggrieved individuals were thereafter made to board the train.

10. At this juncture, a team of officials from the Special Investigation Unit-I, Crime Branch, having been apprised of the incident, reached the New Delhi Railway Station, located and deboarded the complainant and his associates, and accompanied them to the office at Paharganj where the alleged incident had taken place.

11. At the instance of the complainant and the other victims, the office premises being run under the name and style of "New RTDC" from Shop No. 125, Amrit Kaur Market, opposite New Delhi Railway Station, Paharganj, New Delhi, were raided. Upon inspection, four individuals were apprehended. From the possession and premises of the apprehended individuals, the investigating team recovered a sum of 120 Saudi Riyal and ₹40,200 in Indian currency, along with other articles alleged to have been robbed from the complainant and his associates. Furthermore, a country-made pistol with two live cartridges and a dagger were also recovered from their possession.

12. On conclusion of the investigation, the Charge-sheet was laid before the learned Trial Court. The petitioner, thereafter, moved an application seeking Regular Bail before the learned Trial Court,



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which, however, came to be dismissed on 19.12.2024 the ground that the petitioner may influence the witnesses in the present case. Aggrieved, the petitioner has filed the present application before this Court.

13. The learned counsel for the petitioner submits that although Charges in the present case have been framed *vide* the Orders dated 05.06.2024 and 24.07.2024, not even 1 out of the 29 prosecution witnesses have been examined. He submits that the petitioner has been incarcerated for a period 3 years and 04 months, however, not a single witness has been examined in this period.

14. The learned counsel submits that out of the total 8 accused in the case, 7 of the co-accused, excluding the petitioner, have been granted Regular Bail by various Order passed by this Court and the learned Trial Court. Furthermore, the co-accused **Deepak @ Fauji**, who is said to have a similar role as that of the petitioner, was granted Regular Bail by this Court *vide* the Order dated 13.12.2024. In these circumstances, the petitioner seeks bail at parity with the co-accused **Deepak @ Fauji**.

15. *Per contra*, the learned APP appearing for the State submits that the role of the petitioner is of a serious nature as he used a country-made pistol to commit the robbery. The petitioner was also identified as the one who confined the complainant and his companions to his office at the tip of his knife. Further, he submitted that a country-made pistol along with two live cartridges, robbed cash amounting to INR 16,500, 100 Saudi Riyal were recovered from his possession. The



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learned APP and learned counsel for the complainant, Md. Nurul Hasan only oppose the bail application on merits and not on any other facts and circumstances surrounding the case.

16. Having heard the learned counsel for the petitioner as also the learned APP for the State, and perused the record. It is to be noted that the primary contention raised by the learned counsel for the petitioner is that the petitioner should be granted Regular Bail, as the co-accused **Deepak @ Fauji**, who has a similar role as the petitioner in the present case, has been granted Regular Bail *vide* the Order of this Court dated 13.12.2024.

17. It is submitted on behalf of the petitioner that out of the total eight accused persons named in the present FIR, seven co-accused, except the petitioner, have already been granted Regular Bail by either this Court or the learned Trial Court.

18. This Court is conscious of the serious nature of allegations against the petitioner and the other co-accused, which pertain to armed robbery, wrongful confinement, and criminal intimidation under the pretext of facilitating train travel. The allegations, if proven, reflect a planned and deliberate criminal act.

19. That being said, the petitioner has remained in custody for over three years, and no prosecution witness has been examined till date. The right to speedy trial is a fundamental right under Article 21 of the Constitution. In view of the long period of incarceration, absence of progress in trial, the fact that all the other accused persons have been granted bail and similarly placed co-accused **Deepak @ Fauji**, who



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was caught with a dagger, INR 10,000 and a mobile phone, was granted bail by this Court *vide* the Order dated 13.12.2024, the petitioner is also entitled to the benefit of parity.

20. As per the Nominal Roll of the petitioner, he has been incarcerated for total period of about 3 years and 04 months. The Nominal Roll also reveals that the petitioner has clean antecedents. Further, no exceptional circumstance has been brought to the notice of this Court which would justify a departure from the parity principle in the petitioner's case.

21. Accordingly, the petitioner is admitted to Regular Bail pending Trial in the subject FIR, on his furnishing a personal bond in the sum of ₹ 50,000/- 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 the concerned Police Station on every Saturday between at 4:00 P.M. and 6:00 P.M. to mark his presence before the SHO/IO.
- 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



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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 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.

22. 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.

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

24. The Bail Application is disposed of in the abovesaid terms.

SHALINDER KAUR, J

APRIL 22, 2025/FRK

Click here to check corrigendum, if any