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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1720/2019**
VIPIN @ SONU Petitioner

Through: Mr. M.K. Perwez, Adv.

versus

THE STATE (NCT OF DELHI) Respondent

Through: Dr. M.P. Singh, APP for State with SI
Lokesh Singh, P.S. S.P. Badli.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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31.01.2020

1. The present application has been filed seeking regular bail in FIR No. 110/2019 under Sections 392/397/411/34 IPC registered at P.S. Samaipur Badli.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the matter. The petitioner is in custody since 23.02.2019. Learned counsel submits that the co-accused Bhushan has been released on bail vide order dated 14.11.2019. He claims parity with the said co-accused. It is further submitted that the charges are yet to be framed. Learned counsel also submits that the 'Samsung J2 mobile' of golden colour, which is stated to have been recovered from the petitioner, rather belongs to him.
3. He has also placed reliance on the decision of the Supreme Court in Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar, Patna reported as (1995) 5 SCC 326 to contend that the trial court proceedings ought to be conducted expeditiously.

4. Learned APP for the State, on the other hand, has opposed the bail application. It is submitted that as per the complaint, on 22.02.2019 at about 10:45 pm, four boys carrying knife and country made pistol entered into his Dhaba and by threatening the complainant and other workers, robbed them of their mobile phones Vivo (white colour), Nokia (black colour), Samsung J2 (golden colour), LFY JIO (black colour) and Rs.5,000/-. The accused persons also took away Rs.2,000/- from the cash box. It was further stated that one of the accused was caught at the spot and at his instance the present petitioner was arrested. In pursuance to the disclosure statement of the petitioner, the 'Samsung J2 mobile' of golden colour was recovered at his instance. It is further submitted that apart from the present case, the petitioner is also involved in the following three cases out of which two cases are of similar nature including under the Arms Act:

- i) FIR No. 189/2018 u/Sec. 3/4/5/9 and 55 Gambling Act P.S. Swaroop Nagar
- ii) FIR No. 2351/2015 u/Sec. 392/397/395/120-B/411/34 IPC P.S. Mangol Puri.
- iii) FIR No. 393/2015 u/Sec. 395/397/342 IPC and 25/54/59 Arms Act P.S. Civil Line, Sonipat, Haryana.

5. I have heard the learned counsel for the parties. The argument of the learned counsel for the petitioner seeking parity with the co-accused Bhushan is ill founded as Bhushan was granted bail considering that he was not involved in any other case. The present petitioner is found involved in two other cases of similar nature. The contention of learned counsel for the

petitioner that the recovery at his instance is not believable is also found to be incorrect. In the FIR itself, the complainant had mentioned robbing of Samsung J2 mobile of golden colour amongst other articles and money. The said phone is stated to have been recovered at the instance of the present petitioner.

6. Keeping in view the totality of the facts and circumstances of this case, I do not find it to be a fit case to release the petitioner at this stage. The bail application is dismissed accordingly.

7. Copy of the order be given dasti to the counsel for the petitioner under the signatures of Court Master.

MANOJ KUMAR OHRI, J

JANUARY 31, 2020

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