

(2023) 08 DEL CK 0207
In the Delhi High Court
Case No : Bail Application No. 2120 Of 2023

Akash Sharma

APPELLANT

Vs

State Of Delhi

RESPONDENT

Date of Decision : 24-08-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 392, 397

Citation : (2023) 08 DEL CK 0207

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Sandeep Sharma, BK Sharma, Aman Dhyani, Kanchan Senwal, Amit Sahni

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

1. The present application has been filed under section 439 Cr.P.C for bail to the applicant in case FIR No. 0059/2023 dated: 10.02.2023 under section 392/397/34 IPC at PS- Hazarat Nizamuddin, South-East, Delhi.
2. The briefly stated facts of the case that. the I.O. was informed that a dealing of CSR funding was going on between the petitioner along with his associate robbed Rs. 50 Lakh from complainant on gun point and fled from the spot. The charge sheet has already been filed and the charges have been framed.
3. Mr. Sandeep Sharma, learned counsel for the petitioner submits that the petitioner is 19 years of age and he is pursuing Diploma in Mechanical Engineering (Production) and he is doing his Engineering from Govt. Polytechnic, Baghpat.
4. Learned counsel for the petitioner submits that even as per the charge sheet, the gun was pointed by the co-accused. Learned counsel has further submitted that the recovery of money has already been affected. However, during

investigation, the gun could not be recovered. It has further been submitted that no further recovery is to be effected. The trial may take a long time and, therefore, petitioner may be admitted to bail.

5. Learned Additional PP has opposed the bail on the ground that it was serious offence, whereby the accused along with his co-accused robbed a sum of Rs. 50 lakhs at the gun point. Learned additional PP submits that the complainant and the witnesses are yet to be examined and, therefore, accused may not be admitted to bail.

6. I have considered the submissions.

7. The jurisprudence regarding bail is very well settled. The detention during the trial cannot be taken as a punitive measure. The Court, at this stage, also cannot go into the meticulous examination of the facts nor can it be converted into the mini trial. The recovery has already been affected and the trial may take a long time. The accused is a young boy of 19 years of age and there are no previous criminal antecedents.

8. Taking into account the facts and circumstances of the case, the petitioner is admitted to court bail on furnishing a personal bond of Rs. 50,000/- with two sureties of the like amount subject to satisfaction of the trial court on the following conditions:

- a) the Petitioner shall attend the trial regularly;
- b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
- c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer.
- e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

9. However, no expressions made herein shall tantamount to be an expression on the merits of the case.

10. With the above directions, the petition stands disposed of.

11. Copy of the order to be sent to the concerned Jail Superintendent for information and necessary compliance.