

(2020) 02 DEL CK 0079
In the Delhi High Court
Case No : Bail Application No. 273 Of 2020

Kuldeep

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 05-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439, 482
Indian Penal Code, 1860 — Section 120B, 365, 395, 412
Arms Act, 1959 — Section 25, 27, 54

Citation : (2020) 02 DEL CK 0079

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Javed Ali, Akash, G.M. Farooqui

Final Decision : Dismissed

Judgement

Brijesh Sethi, J

1. Vide this order, I shall dispose of an interim bail application filed under section 439 Cr.P.C. read with Section 482 Cr.P.C. by the petitioner Kuldeep

in FIR No. 148/2017 u/s. 365/395/120B/412 IPC & 25/27/54 Arms Act, PS Crime Branch.

2. Ld. Counsel for the petitioner has prayed for interim bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner is in

judicial custody since 24.10.2018. It is submitted that father of the petitioner is diagnosed with Kidney failure, thus, presence of the applicant to look

after his ailing father is utmost required. It is further submitted that investigation has been completed and chargesheet has been filed and, therefore,

there is no apprehension of tampering with the evidence. It is further submitted that petitioner has clean antecedents and is not involved in any other

case. It is further submitted that Ld. Trial court has not appreciated the submissions of the Ld. Counsel for the petitioner that her father and mother are old and are not well. It is further submitted that wife of the petitioner has lost her part of toes and fingers due to electrocution and thus, there is no active member in his family to look after his old parents. It is, therefore, prayed that petitioner be granted interim bail for four weeks in the interest of justice.

3. Ld. Counsel for the petitioner, in support of its submissions, has relied the following case law:-

1) Shakti Devi vs. State 1996 Cr.L.J.2954;

2) Daulat vs. State 2006(1) JCC 258.

4. I have gone through the above case law. The said cases are clearly distinguishable on the basis of facts and circumstances stated therein. It is also settled proposition of law that no straightjacket formula can be laid down for grant of bail.

5. Ld. APP for the state has opposed the interim bail application on the ground that allegations against the petitioner are serious in nature. It is further submitted that during investigation, co-accused Karamvir had disclosed that he along with his associates Amandeep, Kuldeep Singh and others had hatched conspiracy and executed it successfully. He has prayed that in view of the gravity of the offence, the interim bail application be dismissed.

6. I have considered the rival submissions. According to prosecution, the complainant Hitesh deals in Bit Coin trade and sells/purchases Bit Coins. On 07.04.2017, he along with his friend Anand had gone for a deal at V3S Mall, near Nirman Vihar Metro Station on the call of co-accused Krishma

Rajput. When they had reached there, co-accused Krishma Rajput along with her associates had abducted both of them at gun point and took them to

a flat at Vaishali, Ghaziabad, U.P. and robbed him of Rs. 36 lacs. During investigation, four accused persons namely Karamvir Singh, Devendra

Chauhan, Sandeep Chauhan @ Sandy and Kunal Sharma were arrested and at their instance recoveries were made. During interrogation, co-accused

Karamvir disclosed that he along with co-accused Amandeep, Kuldeep Singh and others had hatched conspiracy. Out of the total looted amount, a

share of Rs. 5 Lakh was given to him and Rs. 4 Lakh was given to Kuldeep. Accused Kuldeep was arrested and during PC remand, Rs. 1.35,000/-

were recovered at his instance from his house. One Maruti Ritz white Colour car bearing registration no. DL 1C N 7971 was also recovered from his possession which was used in the commission of crime. One Mobile phone make Samsung was also recovered from his possession with the help of which he used to contact his other associates gang members during the crime. The call detail record shows the position/location of accused Kuldeep along with other co-accused at the place of incident.

7. In view of above allegations appearing on record and serious nature of offence and in view of the fact that younger brother of the petitioner namely

Kamaldeep, aged 37 years is taking care of his father in the hospital, no grounds for interim bail are made out. The interim bail application is, therefore, dismissed and stands disposed of accordingly.