

State vs. Wasim

FIR No. 233/19

Under Section 392/397/34 IPC & 25/27 Arms Act

PS Darya Ganj

19.09.2020

Present : Mr. G.S. Guraya, Ld. Addl. PP for the State.
Mr. Mohd. Iliyas, Advocate for the accused Wasim.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (Hereinafter referred to as '**the Cr.P.C.**') for seeking regular bail in respect of the accused, namely, Wasim (Hereinafter referred to as '**the applicant**').
2. I heard arguments of Ld. Addl. PP for the State and Ld. Counsel for the applicant on 18.09.2020 and reserved the order.
3. Ld. Counsel for the applicant submitted that the applicant was falsely implicated in this case. He submitted that the applicant was apprehended near his house and involved in this case. He submitted that no recovery was effected from or at the instance of the applicant. He submitted that the applicant is not involved in any other criminal case. He submitted that the applicant is young and sole bread earner of his family. He submitted that the complainant merely described number of persons who robbed his shop without mentioning the registration number of the car used in the offence. He submitted that there is no CCTV footage regarding of the incident in question.

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4. Ld. Counsel for the applicant submitted that the applicant was involved in this case on the basis of TIP. He submitted that the police had already shown photographs of the applicant to the complainant. He submitted that there is no material on record which can connected the applicant with the offence in question.

5. Ld. Addl. PP for the State submitted that the applicant was involved in commission of a robbery in a medical shop at the instance of fire arm and sword. He submitted that the applicant was identified during TIP. He submitted that the car involved in the offence was also recovered. He submitted that the applicant is involved in as many as 17 criminal cases relating to theft and theft by committing house trespass.

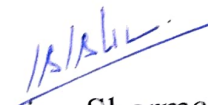
6. On perusal of file, it is seen that complainant identified the applicant as the driver of the car used by the robbers for escaping alongwith robbed property. The car recovered at the instance of the applicant is found to be a stolen property. The applicant was apprehended alongwith knife and co-accused persons carrying fire arms *vide* FIR No. 28/2020 under Section 25 Arms Act PS Darya Ganj. The applicant is involved in as many as 17 criminal cases, mostly related to theft and theft after committing house trespass.

7. In view of the gravity of offence, severity of punishment, manner of commission of offence, role of the applicant, likelihood of commission of similar offence and nature of material against him, this Court is not inclined to grant bail to the applicant.

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8. Accordingly, the application under Section 439 of the Cr.P.C. for seeking regular bail in respect of the applicant, namely, Wasim is dismissed.

9. A copy of the present order be sent to concerned Jail Superintendent for information. A copy of the present order be also given *dasti* to Ld. Counsel for the applicant, if prayed.


Sanjay Sharma-II
Link Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
19.09.2020

NK

State vs. Sagar @ Ashu @ Ashish

FIR No. 55/19

Under Section 392/397/411 IPC

PS Civil Lines

19.09.2020

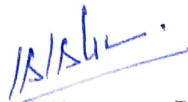
Present : Mr. G.S. Guraya, Ld. Addl. PP for the State.
Mr. Satyam Sisodia, Advocate for the accused Sagar @
Ashu @ Ashish.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as 'the Cr.P.C.'*) for seeking regular bail in respect of the accused, namely, Sagar @ Ashu @ Ashish (*Hereinafter referred to as 'the applicant'*).
2. I heard arguments of Ld. Addl. PP for the State and Ld. Counsel for the applicant on 18.09.2020 and reserved the order.
3. This is 3rd application for bail. First application for bail was dismissed by the Court *vide* order dated 25.06.2020. Second application for bail was dismissed by the Court *vide* order dated 20.07.2020. The arguments raised by Ld. Counsel for the applicant that the applicant is in judicial custody since 19.03.2020 and the complainant is already examined and the remaining witnesses are formal in nature besides arguments on the merit of the case were duly considered by the Court while dismissing first bail application *vide* order dated 25.06.2020.

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4. There is no change in circumstance since 25.06.2020 warranting any indulgence by this Court.
5. Moreover, perusal of testimony of the complainant (PW-1) would show that the applicant robbed mobile phone of the complainant by putting him in fear by using a blade cutter and the applicant was apprehended at the place of the incident while fleeing.
6. After giving anxious consideration, this Court is of the considered opinion that in view of the gravity of offence, severity of punishment, manner of commission of offence, role of the applicant, likelihood of commission of similar offence and nature of evidence against him, the applicant is not entitled to bail.
7. Accordingly, the application under Section 439 of the Cr.P.C. for seeking regular bail in respect of the applicant, namely, Sagar @ Ashu @ Ashish is dismissed.
8. A copy of the present order be sent to concerned Jail Superintendent for information.
9. A copy of the present order be also given *dasti* to Ld. Counsel for the applicant, if prayed.


Sanjay Sharma-II
Link Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
19.09.2020