

CNR No. DLCT01-000992-2023



IA No. 07/2023

SC No. 52/2023

State Vs. Mustkeen and Ors.

FIR No. 136/2022

PS Rajinder Nagar

U/s. 392/397/34 IPC

BAIL APPLICATION OF APPLICANT SULTAN SON OF
SH. IRSHAD

12th December, 2023

Present: Sh. Robin Singh, Ld. Addl. PP for State.
Ms. Afshan and Ms. Munazza, ld. Counsels for
applicant/accused Sultan.

1. Reply filed. Arguments heard.
2. This is an application u/s. 439 Cr. P.C. seeking regular bail filed on behalf of the applicant/accused Sultan (hereinafter referred to as applicant).
3. It is submitted by ld. Counsel for applicant that the applicant is in custody since 13.09.2022. It is further argued that the applicant has been falsely implicated in this case at the instance of the complainant. It is further argued that charge-sheet has already been filed. It is further argued that the complainant is not intentionally appearing from the last three dates of hearing before the Court. It is further argued that the applicant is the only bread earner of his family. It is further argued that the investigation has been completed in this case. It is prayed that the applicant be released on bail.

4. The application for grant of bail to the applicant/accused is opposed by the ld. Addl. PP for State. It is submitted that the offence committed by the applicant is grave in nature. It is further submitted that the applicant is not resident of Delhi. It is further submitted that the applicant may threaten the complainant and his family and other witnesses, if released on bail. It is prayed that the bail application of the applicant Sultan be dismissed.
5. Heard. Record perused.
6. The brief facts of the case are that the FIR was registered on the complaint of the complainant Shiva Dhamija that on 14.04.2022 at around 12.50 a.m., three persons came on motorcycle bearing no. DL 4S DK 9201 and one of them asked to deliver all the articles otherwise he will shoot them and he pointed one pistol type thing on the leg of the complainant and looted gold chain, gold bangle and Rs. 35-40,000/- from the complainant as well as the ring of his friend Varun Arora and thereafter, they flew away from the spot.
7. During investigation, accused Mustkeen and Mehndi Hasan were arrested on 14.06.2022 with arms/ammunitions in FIR No. 167/2022 PS Rajinder Nagar and they both disclosed the name of the applicant being involved in the commission of the present offence. Several raids were conducted but the applicant could not be found at his house. Meanwhile, the applicant was arrested in FIR No. 167/2022 PS Rajinder Nagar and

confessed his involvement in the commission of the present offence. The applicant joined the TIP proceedings and he was *correctly identified* by the complainant.

8. The allegations against the applicant are of serious nature. The applicant is also found involved in several other cases of theft, snatching and robbery. The complainant is yet to be examined in the present case. Considering the gravity of the offence and severity of punishment, coupled with other facts and circumstances, this Court is not inclined to grant bail to the applicant at this stage.
9. Application filed by the applicant Sultan for grant of bail is hereby dismissed.
10. Copy of this order be given dasti to Id. Counsel for applicant/accused.
11. Copy of this order be also sent to the concerned Jail Superintendent for information and necessary action.

(SUSHIL ANUJ TYAGI)
ASJ-04/Central/Delhi
12.12.2023^(VR)