

SC No. 360/2019
IA No. 06/22
State Vs. Salman
FIR No. 223/2019
PS: Karawal Nagar
U/s: 392/397/411/34 of IPC

09.01.2023

Present: Sh. Vijay Goswami, Ld. Counsel for the applicant/accused Salman.
Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
IO/SI Suresh Bhatia.

1. The matter is fixed for hearing arguments on the application for grant of bail filed by this applicant/accused Salman.
2. I have heard Ld. Counsels for the parties.
3. Sh. Vijay Goswami, learned Counsel for the applicant/accused has submitted that applicant/accused has been falsely implicated in the present case and he was arrested on dated 26.06.2019 and, in between, he was granted interim bail and he remained on bail for about one month and further submitted that matter is already fixed for evidence of the prosecution for dated 16.03.2023. Learned counsel for this applicant/accused has further submitted that robbed mobile phone is alleged to have been recovered from the applicant, but, no TIP was ever conducted and no CCTV Footage was ever seized by the IO and submitted that it may take time in completion of trial and prayed for grant of bail.

4. On the other hand, Sh. Sukhbeer Singh, learned Additional Public Prosecutor for State has vehemently opposed this application and submitted that this applicant/accused alongwith the other accused had robbed away the following articles:-

- (a) one ring of gold weighing around 15 grams.
- (b) one ring of silver weighing around 10 grams,
- (c) one chain of gold weighing around 22 grams,
- (d) one mobile phone Maker VIVO V-5 of golden colour
- (e) one mobile phone maker VIVI Y-81 of grey colour
- (f) Rs.25,000/- in cash,
- (g) Some other documents including Aadhar Card, PAN Card, Driving license, Parshad Card, ATM cards of SBI bank and Syndicate Bank.

and submitted that this robbery was committed on the point of pistol and charges against this applicant/accused have been framed under sections 392/34 and 397/411 of IPC, so, he does not deserve concession of bail and prayed for dismissal of the bail application of this applicant/accused.

5. I have given thoughtful consideration to the submissions made by the learned Counsels for the parties and perused the record.

6. The perusal of the record reveals that charges against this applicant/accused have been framed under sections 392/34 and 397/411 of IPC and co-accused has already been granted bail. The matter is already fixed for evidence of the

prosecution for dated 16.03.2023 and since, this applicant/accused remained behind bars for a considerable period and it may take time in completion of the trial and in considered opinion of this court, it will be futile to keep this applicant/accused behind bars for any longer, therefore, this applicant/accused namely **Salman** is ordered to be released on bail, on his furnishing of personal bond in the sum of Rs. 20,000/- with one surety of the like amount and also subject to the condition that he will not tamper with the prosecution evidence and he will not indulge in any criminal activity and in case, this accused will violate any condition of this order, the prosecution will be at liberty to move an application for cancellation of bail of this accused. In the above said terms, the application for grant of bail filed by the applicant/accused stands allowed.

7. Copy of order be provided to the parties.
8. Attested copy of this order be sent to the concerned Superintendent of Central Jail, Tihar.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/09.01.2023