

26.03.2025

Present: Ms. Geeta Bansiwala, Ld. Substitute Addl. PP for the State.
Sh. Ashish Dahiya, Ld. Chief LADC for applicant/accused.

1. This is an application under Section 483 BNSS for grant of bail, moved on behalf of applicant/accused Deepak, received from Jail.

2. Brief facts of the present case, as per prosecution, are that on 26.03.2018 complainant Surender Singh was posted as a guard on cash van bearing registration no. DL 1LW 5259 alongwith driver Pappu and cashier Pashupati Nath. On the said date at about 05:30 pm, after collecting cash from different parties, reached at F-3/445/446 Sultanpuri, Delhi, Good Will Agency to collect the cash where the manager of said agency asked them to wait as cash of one delivery boy was not received. At about 06:00 pm, cashier Pashupati Nath went inside the agency to collect the cash alongwith the bag containing the cash collected from other areas. After collecting the cash when cashier Pashupati Nath came out of the said agency, driver Pappu opened the rear gate of the cash van and when cashier Pashupati Nath was in the process of keeping the bag in the van, two boys came to them who were having pistols in their hands and started firing on them due to which complainant received two bullet shot injuries and when cashier Pashupati Nath ran towards the gali adjacent to the said agency, bag having the cash was dropped from his hands and one of the assailant took the bag. Thereafter, two more boys, wearing helmets, came on another motorcycle and all the four ran away

from the spot alongwith the bag.

3. Contention of applicant/accused and on behalf of applicant/accused are that applicant/accused is in JC for more than 02.04.2022 years and all material witnesses have been examined this case who have not supported the case of prosecution It is further submitted that no purpose would be served by keeping the accused behind the bars.

4. Per contra, ld. Addl. PP has opposed the bail application. It is submitted that allegations are very grave. It is further submitted that applicant/accused is also having involvements in other cases also.

5. As per nominal roll of applicant, received from jail, applicant/accused is in custody for more than 06 years and 10 months. Four other case, including FIR No. 156/2020, PS Crime Branch, are also shown to be pending against applicant/accused but on bail on two cases.

6. As the applicant/accused was arrested in the year 2018 in the present case, notice was issued to IO of case FIR No. 156/2020, PS Crime Branch to ascertain the grounds of arrest of applicant/accused in case FIR No. 156/2020, PS Crime Branch. As per report of IO, case FIR No. 156/2020, PS Crime Branch was registered for offence punishable under Section 3 /4 MCOCA Act and applicant/accused was arrested in that FIR formally as he was named as associated and active member of gang involved in that FIR.

7. Therefore, considering the totality of facts and circumstances, gravity of offence, involvement of applicant/accused in a case registered

under MCOCA Act, I am not of the view of grant bail to applicant. Hence, dismissed.

8. In view of the recommendations of Rules Committee under Section 523 of BNSS, 2023 with respect to the practice directions issued by Hon'be Supreme Court of India in Writ Petition no. W.P.(C) 1082/2022 Suhash Chakma Vs. Union of India & Ors., the applicant can avail the free legal aid facility from District Legal Services Authority (North-West) at Room No. 405, 4th Floor, District Court Rohini, Delhi-110085. Applicant may contact the authority on phone number 011-27555536 or through mail at e-mail ID northwest-dlsa@nic.in.

9. **Copy of this order be also sent to Jail Superintendent to inform the applicant/accused of his rights.**

**VIKRAM
ASJ-II/SPECIAL JUDGE NDPS/
NORTH-WEST/ROHINI COURTS/
DELHI/26.03.2025**