

**IN THE COURT OF SH. VIRENDER KUMAR BANSAL
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH-WEST DISTRICT: ROHINI COURTS: DELHI**

CNR No. DLNW01-010117-2024
SC No. 819-24
FIR No. 508/24
PS Subhash Place
u/s. 309(4)/311/61(2)/3/5 BNSS
State v. Vikas Garg
(Bail application of applicant/accused Vikas Garg)

22.10.2024

File taken up today on an application for bail u/s.483 BNSS moved on behalf of applicant/accused Vikas Garg S/o Naresh Garg.

Present: Sh. G.S. Guraya, Ld. Chief PP for State.

Sh. Sanjeev and Sh. Amey Mishra, Advocates for the applicant/accused Vikas Garg.

IO/SI Rupesh Raj is present and filed reply.

Heard the arguments on bail application.

(Bail Order)

Ld. Counsel for the applicant/accused submitted that applicant is in custody since 27.07.2024. He has been falsely implicated in this case. There is no role assigned to him. He was working as driver with the complainant. In the entire complaint, the victim does not utter a single word against him. In fact, he was also threatened by the accused persons that he would also be killed if he did not hand over all the belongings to them. Even his mobile phone was snatched by the accused persons but the police in order to just solve the case has falsely implicated him. He belongs to a respectable family. He is permanent resident of Delhi. There are

no chances of his jumping the bail or fleeing from the justice. Ld. Counsel prayed that he be granted bail. He will abide by any condition imposed. Ld. Counsel in support of his arguments relied upon the judgment cited as *Sanjay Chandra v. CBI (2012) 1 SSC 40*.

2. Ld. Chief PP has opposed the bail application and submitted that no doubt the accused was working as driver with the victim but it was he, who planned everything, which is evident from the fact that he was in touch with the main accused Danish Peter s/o Jecab. Accused was using the mobile no. 8178684080. The Call Detail Record of the same was obtained and he was continuously in touch with his co-accused Danish Peter s/o Jecab on his mobile no. 9990585044 as is evident from the customer application form of this mobile number. Ld. Chief PP submitted that so far as accused Danish Peter is concerned, he has been identified on the basis of CCTV footage. Ld. Chief PP submitted that under the circumstances, there is specific role assigned to him and he was part and parcel of the crime. Without his assistance and information being shared with the accused persons, the offence could not have been completed. In fact it is he, who facilitated the commission of offence. It is prayed that the application be dismissed.

3. I have gone through the record.

4. In this case, the IO is referring that there is call detail record of the accused but surprisingly there is no such call detail record available on record. According to the IO, this call detail

record shows that the applicant/accused herein was continuously in touch with the other co-accused Danish on his mobile no. 9990585044 but again that document i.e. the customer application form is not available on file. I do not know from where the IO is drawing these inferences. Even there is no checking of the charge sheet as per Section 20 of the BNSS and the charge sheet has been filed without following the procedure.

5. Under the circumstances, it is ordered that the applicant/accused Vikas Garg S/o Naresh Garg **be released on bail on his furnishing personal bond in the sum of Rs.40,000/- with one surety in the like amount**, on the following conditions:

i) That the applicant/accused will supply his mobile number(s) to the IO of the case, which should be always working and he shall share his phone live location as and when required by the IO.

ii) That the applicant/accused shall not visit the vicinity in which the offence took place and that he shall not create any kind of impediment in the trial.

iii) That the applicant/accused shall not try to contact or influence the witnesses directly or indirectly.

iv) That, in case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the abovesaid conditions, the bail granted to him shall be liable to be cancelled.

6. **List on the date already fixed i.e. 13.11.2024 for consideration of charge.** Copy of this order be sent to the concerned Jail Superintendent, for information and compliance. Copy of the order be also given dasti.

(Virender Kumar Bansal)
Principal District & Sessions Judge (NW)
Rohini Courts, Delhi/22.10.2024/sb