

IA No. 02/2023
SC No. 81/2023
FIR No. 686/2022
State Vs. Rehmat @ Langda and ors.
(applicant/accused Mohit @ Chuha).
P.S. Nand Nagri
u/s. 307/186/353/332/34 IPC
& 25/27 Arms Act.

13.10.2023

Present: Sh. Parmod Kumar, Ld. Addl. PP for State.

Sh. Anurag Singh, Ld. Counsel for applicant/accused.

This bail application is fixed for clarifications.

Clarifications have been obtained.

Put up for orders at 4.00 pm.

(Vineet Kumar)

ASJ-02/E-Court/Shahdara
KKD/Delhi/13.10.2023

At 4.00 pm.

ORDER

1. By virtue of this order, application u/s 439 Cr. PC on behalf of applicant/accused seeking regular bail shall be disposed of.
2. Ld. Counsel for applicant/accused has submitted that applicant/accused is aged about 22 years and he has been falsely implicated in the present case; that applicant/accused is in JC since 24.08.2022; that applicant/accused has been arrested in this case on the basis of disclosure statement of

co-accused; that applicant/accused is not required for any custodial interrogation; that applicant/accused is the only bread earner of his family consisting of his old aged parents. It has been further submitted that applicant/accused is ready to abide by all the conditions imposed by the court, if he is released on bail. Thus, Ld. Counsel has prayed for grant of bail to the applicant/accused.

3. Per contra, Ld. Addl. PP for State has opposed the present application by referring to the serious nature of allegations against applicant in the FIR. It has thus been prayed that bail application may be dismissed.
4. I have heard respective submissions on behalf of both sides and perused the material on record.
5. In brief, the prosecution case is that present FIR has been registered under Section 307/186/353/332/34 IPC & 25/27 Arms Act on the basis of statement of complainant Ct. Paramjeet, who stated that on 24.08.2022 he was posted at P.S. Nand Nagri as Constable; that on that day at about 10.30 am he was present at P.S., he came to know about the robbery committed by two boys on Apache motorcycle on the point of katta, near B Block Community Hall; that thereafter he reached at F1 Masjid Sunder Nagri and secret informer informed him the above said two boys had fled away towards Shani Bazar Road, H Block; that thereafter complainant reached there and on seeing him, both abovesaid offenders started fleeing from there, however, complainant caught hold of them; that one of them was having knife and the other was having katta; that the boy,

who was having katta fled away and the boy who was having knife has tried to stab on the chest of complainant with knife but complainant escaped himself, however complainant sustained cut injury on his finger from the said knife; that thereafter with the help of Ct. Sandeep, they apprehended the said boy, who disclosed his name as Rehmat @ Langda and the name of the boy having katta, as Mohit @ Chuha; that thereafter complainant was called at P.S. and handed over the accused Rehmat @ Langda with knife to the IO; that during the course of investigation on 27.08.2022, accused Mohit @ Chuha was arrested in the present case, who got recovered the katta, which was used by him during robbery in case FIR No. 683/2022 as well as to threaten the complainant in the present case.

6. At the outset, it is worthwhile to mention that charge-sheet has been filed upon completion of investigation in the present case and the same is fixed for arguments on the point of charge. The role attributed to applicant/accused is that he threatened the complainant with country made pistol/katta, which is stated to have been recovered at his instance. However, Ld. Counsel for applicant has raised suspicion regarding the aforesaid recovery by stating that the same seems to be a planted recovery as neither any public witnesses were joined at the time of alleged recovery nor any photographs of the same are there on record. Moreover, allegations of attacking the complainant with a knife, are on the co-accused, however, no opinion could be given w.r.t. the injury on the MLC of injured/complainant, as he absconded

from hospital.

7. Although, as per the previous involvement report, applicant/accused is found involved in other criminal cases, but that alone cannot be a factor to decide the fate of the present application and even otherwise, in most of the said cases, applicant/accused is either on bail or has been released or the offence has been compounded.
8. Importantly, all witnesses in the present case including complainant/injured are mainly police officials or doctors, thus there is no apprehension of intimidation or influencing the said witnesses. Considering the above discussion, no useful purpose would be served by keeping the applicant/accused in further custody, more so, as the applicant/accused is in JC since 27.08.2022 and also completion of trial is likely to take considerable time. Moreover, apprehension, if any on behalf of prosecution may be allayed by imposing strict conditions.
9. Accordingly, in view of facts and circumstances in totality, applicant/accused is admitted to bail on furnishing personal bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of this court/Duty MM subject to the conditions that:
 1. *Accused shall appear in the court on each and every date.*
 2. *Accused shall not tamper with the evidence nor shall indulge in any illegal activities nor shall commit any similar offence during the bail period.*
 3. *Accused shall keep his mobile switch on at all times*

during pendency of this case.

4 Accused and his surety shall intimate this Court immediately of any change in their addresses and shall also furnish their mobile numbers to the IO/SHO concerned.

It is clarified that in case the applicant/ accused is found to be violating any of the above conditions, then the same shall be a ground for cancellation of bail.

Application is disposed of accordingly.

(Vineet Kumar)

ASJ-02/E-Court/Shahdara
KKD/Delhi/13.10.2023