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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 38/2022**

TARANJEET SINGH Petitioner

Through: Mr. G.S. Sharma, Mr. Ajit Kumar
Gola, Mr. R.A. Sharma, Advocates

versus

STATE Respondent

Through: Mr. Raghuvinder Varma, APP
alongwith SI Harsh, PS Rajinder
Nagar.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **25.01.2022**

(THROUGH VIDEO CONFERENCING)

CRL.M.A. 311/2022

Exemption allowed subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 38/2022

1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C) has been filed seeking regular bail in FIR bearing No. 309/2021 registered at Police Station Rajinder Nagar, Delhi for offences punishable under Sections 392/411/34 of Indian Penal Code, 1860.

2. Learned counsel appearing on behalf of the petitioner submitted that as per FIR incident had taken place on 24th November 2021 at about 3: 15 PM and according to prosecution, the petitioner alongwith co-accused had been apprehended by the two police Constables within few minutes, still the

FIR got registered at 23 hours. It is accordingly submitted that the delay in lodging the FIR has not been explained. Learned counsel further submitted that the petitioner has not committed any offence as alleged in the FIR and has been falsely implicated in the instant case. It is submitted that the petitioner is an innocent person having no criminal antecedents and he is a first-time offender. The petitioner is languishing in jail since 25th November 2021. It is informed that after completion of investigation, chargesheet has been filed on 15th January 2022. On instruction, learned counsel undertakes that the petitioner shall abide by any condition imposed by this Court while granting bail.

3. *Per Contra*, Mr. Raghuvinder Varma, learned APP appearing on behalf of the State vehemently opposed the bail application and submitted that a toy pistol and complainant's handbag was recovered from the possession of the petitioner. The offence is grave in nature and there is a high chance that petitioner may jump bail, if released by this Court. Learned APP is also apprehensive of the fact that if released on bail, the petitioner may try to influence/threaten the witnesses and hamper the trial. It is accordingly prayed that the petitioner does not deserve to be released on bail, at this stage. However, it is not denied that the petitioner has no previous criminal involvement.

4. Heard learned counsel for the parties. Perused the FIR and the Status Report filed by the State.

5. It is an admitted fact that there is no previous involvement of the petitioner in any other case. He is a first-time offender having no criminal antecedents. There is also no denial to this effect either in the submissions of learned APP or in the status report filed by the State. It is well settled law

that personal liberty is very precious Fundamental Right and it should be curtailed only when it becomes imperative according to peculiar facts and circumstances of the case. It is also settled law that grant or denial is regulated to large extent by facts and circumstances of each particular case, but at the same time, right to bail is not to be denied merely because of sentiments of the community against the accused.

6. Keeping in view the contentions and the arguments advanced by the learned counsel for the parties, this Court does not find any reason to keep the petitioner in judicial custody. It is accordingly directed that the petitioner be released on bail on his furnishing personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with solvent surety of like amount to the satisfaction of the Jail Superintendent/Court concerned subject to the conditions as follows:-

- (a) he shall under no circumstances leave India without prior permission of the Court;
- (b) he shall appear before the Trial Court as and when required;
- (c) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (d) he shall provide his mobile number to the concerned Police Station and keep it operational at all times;
- (e) he shall commit no offence whatsoever during the period he is on bail.

7. Accordingly, the petition stands disposed of.

8. Copy of this order be sent to Superintendent Jail for compliance.

CHANDRA DHARI SINGH, J

JANUARY 25, 2022

Aj/MS