



2025:DHC:3204



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

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Date of Decision: 02.05.2025+ **BAIL APPLN. 1692/2025, CRL.M.As. 13404/2025, 13405/2025 & 13406/2025**

SUKHBIR ALIAS KALLU

.....Petitioner

Through: Mr. Bibek Tripathi and Mr. Subhaker
Tiwari, Advocate

versus

STATE OF GNCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
SI Rajender Singh PS K.M. Pur**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 346/2024 of PS Kotla Mubarakpur for offence under Section 319(2)/318(4)/61(2)/309(4)/311/345(3) BNS. Learned APP accepts notice and strongly opposes the Bail Application.

2. I have heard learned counsel for accused/applicant and learned APP for State.

3. Broadly speaking, prosecution case commencing from complaint of Mr. Ravindra Sharma is as follows. On suggestion of his friend Sanjay



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Sharma to the effect that from Nepal, gold at rates 30% cheaper can be purchased, the complainant on 03.10.2024 at about 11:00 am alongwith his nephew Aman, carrying cash of Rs.11,00,000/- went to South Extension Metro Station Gate No. 3. There, on direction of Sanjay Sharma he met one Deepak, who led him and Aman to office in J-Block, South Extension Part 1. In the office, he handed over cash of Rs.11,00,000/- to Deepak who handed over gold in a bag and offered to deliver the bag in his car (*car of the complainant*). When he along with Deepak and Aman were walking towards car, two persons came on a Pulsar motorbike. Those persons were wearing police shoes and *khaki* pants. One of those two persons was carrying a “pistol-like instrument”. The person sitting pillion snatched the gold bag, asking the complainant about the same. On seeing this, Deepak and Aman tried to flee and were followed by those two persons on motorbike. Subsequently those motorbike borne robbers fled away with the gold bag. The said motorbike was being driven by the accused/applicant. The person sitting pillion on the motorbike continues to be in jail.

4. Learned counsel for accused/applicant submits that since the co-accused Sifarish Khan was granted regular bail by this bench on 25.03.2025, the present accused/applicant also deserve same relief on parity. It is further submitted by learned counsel for accused/applicant that Akhileshwar Kumar @ Sanjay, in whose account the money was transferred, has been granted anticipatory bail by the Supreme Court. It is also submitted by learned counsel for accused/applicant that the gold allegedly snatched was found to



be fake.

5. On the other hand, learned APP submits on instructions of IO/SI Rajendra Singh that the snatched gold is yet to be recovered and two of the accused persons are absconding and have been declared Proclaimed Offenders.

6. So far as bail granted to Sifarish Khan is concerned, his role was completely distinct in the sense that he was not present at the spot and had allegedly made overall planning, and there is no evidence presently against him. So far as Akhileshwar Kumar @ Sanjay is concerned, the anticipatory bail was granted by the Supreme Court, finding that no custodial interrogation was required. Even otherwise, the role ascribed to Akhileshwar Kumar @ Sanjay was that he allured the complainant to enter into the transaction for purchase of gold. Therefore, I am unable to find any parity between the case of the present accused/applicant and the said remaining two accused persons. It is the accused/applicant, who not only procured the motorbike with fake number plate but also drove the same at the time of robbery.

7. The alleged robbery was committed in broad daylight in a busy area of South Extension. Not just this, the accused/applicant and his pillion accomplice wore pants and shoes to convey an impression as if they are police officials. Further, they also used a lighter which looked like a pistol and snatched the bag carrying gold worth Rs.11,00,000/-.



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8. As regards submission of learned counsel for accused/applicant that the allegedly snatched gold was found fake, the IO discloses that the said gold has not even been recovered till date. It appears that learned counsel for accused/applicant has not been briefed with truth.

9. Considering the overall circumstances as mentioned above, especially the daring manner in which broad daylight robbery in a busy area was allegedly committed and two of the co-accused declared Proclaimed Offenders and also role of the accused/applicant described above, I do not find it a fit case to release the accused/applicant on bail. Therefore, the application is dismissed.

**GIRISH KATHPALIA
(JUDGE)**

MAY 2, 2025
'as'