

FIR No. 91/21
PS : DBG Road
State Vs. Hukam Chand, S/o Sh. Om Prakash
U/s 408/120B IPC

26.04.2021

Proceedings conducted through video conferencing.

Present: Sh. Rajiv Kamboj, Ld. APP for the State.
Sh. Ajay Gaur, Ld. Counsel for applicant/ accused.

Reply to the application has been filed. Taken on record.

It is stated by Ld. Counsel for applicant/ accused that accused has been falsely implicated in the present case by his employer. It is contended that infact motorcycle of the accused, his mobile phone and purse were snatched from him and despite that he has been made accused in the present matter. It is contended that there is nothing on record to show source of payment of Rs. 24.85 lacs to the accused by the client of the complainant. Further, initially, it was stated that accused was bringing Rs. 8.85 lacs, however, later on, it was stated that he was bringing Rs. 24.85 lacs. Thus, the story of the prosecution is unbelievable. Accused was taken for five days police custody and nothing incriminating has been recovered from his possession. Accused is sole bread earner of his family. It is submitted that accused is not previously involved in any other case. It is submitted that accused has school going child and offence U/s 408 IPC is punishable upto seven years. Hence, in view of the judgment of Arnesh Kumar, bail may be granted to the accused. It is also pointed out that accused has been falsely implicated as it is claimed that he has taken loan from the complainant which was allegedly not paid. Accused may be kept in J/C for next six months, however nothing can be recovered from him. Investigation qua applicant/ accused has been completed. Accused has no previous involvement. Considering the pandemic situation in Delhi, bail may be granted to accused and he may be released on bail.

On the other hand, the present bail application has been vehemently opposed by Ld. APP for the State on the ground that offence is of grievous in nature. Investigation is at initial stage. A huge sum of money i.e. Rs. 24.85 lacs

has been misappropriated by the accused. No money has been recovered yet. It is contended that during investigation on checking CCTV footage at Faiz Road, accused can be seen with the co-accused on the same motorcycle. However, co-accused has been murdered qua whom an FIR has been registered in U.P. Thus, his bail application may be dismissed.

Arguments heard. Record perused.

It is to be noted that the accused is in custody since 23.03.2021. He is not involved in any other case. Co-accused has already been murdered. No further investigation is being conducted in the present matter. Covid-19 situation is prevailing in Delhi. In these circumstances, accused **Hukam Chand** is admitted to bail on furnishing personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of concerned Jail Superintendent.

Copy of this order be sent to concerned UTP through Jail Superintendent for intimation and record.

Copy of this order be given dasti to the Ld. Counsel for accused by way of WhatsApp/email.

(Sahil Gupta)
Reliever MM (Central)/THC/Delhi
26.04.2021