

Hasim @ Sonu vs State Govt. Of Nct Of Delhi on 14 September, 2022

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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 2237/2022

HASIM @ SONU

Through:

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Mr Bankey Bihari, Mr Bi
Bikram, Mr Dhananjai Sh
and Ms Sonal Shekhar, A

versus

STATE GOVT. OF NCT OF DELHI

..... Responden

Through: Ms Richa Dhawan, APP for the Sta

SI Pramod Kumar, PS NDRS

CORAM:

HON'BLE MS. JUSTICE POONAM A. BAMBA

ORDER

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14.09.2022

1.0 Status report awaited.

2.0 Ms Richa Dhawan, Learned Prosecutor submits that the sa
filed yesterday and for that reason it may not have been on re

3.0 Let it be ensured to be placed on record.

4.0 Copy of the status report is now handed over by the Lea

Prosecutor. Registry is directed to scan the same and make it part of the record.

BAIL APPLN. 2237/2022

5.0 Vide this application under Section 439 of the Code of

Procedure, 1973 (Cr.P.C), the petitioner has sought regular bail in FIR No. 88/2019 dated 03.11.2019 under Sections 363/365/342/384/323/34 of the Indian Penal Code, 1860 (IPC) PS New Delhi Railway Station, District- Central, Delhi.

5.1 It is submitted that this is the second bail application of the petitioner. Petitioner's earlier bail application was dismissed by the Learned Special Judge, NDPS, Central District, Tis Hazari Courts, Delhi vide order dated 06.07.2022.

6.0 Prosecution case is that on 01.11.2019 at about 11:30 pm, the complainant along with his son at New Delhi Railway Station had booked Ola cab. A message was received from the driver of Ola cab informing that Hyundai Accent car bearing registration no.330 was arriving. After some time, the said car came, but the driver did not stop despite signalling by the complainant. Subsequently, when he called the driver, he informed the complainant to wait. Sometime later, the cab returned and the driver waived when the car reached, which was boarded by the complainant and his son. Cab was being driven by the petitioner Hasim @ Sonu. After driving the cab for some distance, the driver/petitioner stopped the car on the pretext of relieving himself. In the meanwhile, three persons/co-accused entered the car, over powered the complainant and his son, took them to a BAIL APPLN. 2237/2022 page 2 of 6 room and kept them blindfolded. They were beaten up and the complainant's laptop, Rs. 1,10,000/- cash, and credit cards of HDFC, Kotak and IDBI Banks were also snatched. Password of the ATM card was also obtained and later they were released. The complaint also mentions that later on it was revealed that a sum of Rs. 1,30,000/- and Rs29,000/- were withdrawn from their banks.

6.1 The status report mentions that during investigation it was revealed that ola cab was also robbed by the accused persons. The accused persons had abducted Sattar, the actual driver of the Ola car, which was booked by the complainant; they committed the instant offence after snatching the car from Sattar, the actual driver.

6.2 Status report also mentions that during the course of investigation, information about arrest of four persons namely Hasim @ Sonu, Mazid Salmani, Satyavir Pandey @ Bihari and Sachin Paswan in case FIR No. 333/2019 under Section 25 Arms Act, PS Crime Branch, was received; and that they confessed to their involvement in the present offence; on which, the petitioner and other accused persons were arrested in the present case. It is also submitted that the petitioner even refused TIP.

7.0 Vide his application, the petitioner has submitted that he has been falsely implicated and is in judicial custody since 30.11.2019. There is no BAIL APPLN. 2237/2022 page 3 of 6 incriminating evidence against the petitioner and for no reason he is suffering pre-trial incarceration.

7.1 It is further submitted that the petitioner was not named in the FIR. Nor has any incriminating evidence come against him; nothing has been recovered from him. Petitioner has been simply roped in on the basis of suspicion. Therefore, the petitioner is entitled to be released on bail. In support, reliance is placed on the judgment "Sami Ullah versus Superintendent, Narcotics Control Bureau" (2008) 16 SCC 471.

7.2 It is also submitted that though, the charge sheet in the matter has been filed, the case is still at the stage of charge.

8.0 Per contra, this application is strongly opposed by the Learned Prosecutor. It is submitted that there are serious allegations against the petitioner of abducting the driver of the Ola car and thereafter, in pre-mediated and coordinated manner along with other co-accused persons, the complainant and his son were kidnapped and robbed of their valuables.

8.1 It is also submitted that the petitioner is a habitual offender and has been involved in four cases i.e., FIR No. 001277/2019 under Sections 392/397/328/342/34 IPC PS Patparganj Industrial Area, FIR No. 445/2014 under Sections 379/411/482 IPC, PS Jyoti Nagar, FIR No. 247/2017 under BAIL APPLN. 2237/2022 page 4 of 6 Section 25 Arms Act, PS Gokul Puri and FIR No. 333/2019 under Sections 25/54/59 Arms Act, PS Crime Branch.

8.2 Learned Prosecutor further submits that the matter is still at the stage of arguments on charge. The complainant and other material witnesses are yet to be examined. If admitted to bail, there is every possibility of the petitioner influencing/intimidating the witnesses.

9.0 In rebuttal, learned counsel for the petitioner submitted that the petitioner has already been released on bail in FIR No. 1277/2019 under Sections 392/397/342/328/34 IPC by this court vide order dated 26.04.2022, which is not disputed by the Learned Prosecutor.

10.0 In view of the above facts and circumstances and taking into account the serious nature of allegations against the petitioner and also the petitioner's involvement in four other cases, the trial in the matter is yet to commence, the complainant and his son/main witnesses are yet to be examined, this court is not inclined to admit the petitioner to bail at this stage.

11.0 The application is accordingly dismissed.

12.0 However, considering that the petitioner is in judicial custody since 30.11.2019, Learned Trial Court is requested to hear the arguments on BAIL APPLN. 2237/2022 page 5 of 6 charge on 16.09.2022, the date fixed for the purpose and pass an order within two weeks thereof. The Learned Trial Court shall also make every endeavour to proceed in the matter expeditiously.

SEPTEMBER 14, 2022/g.joshi

BAIL APPLN. 2237/2022

POONAM A.

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