

Shafiq @ Munna Vs. State

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Court : Delhi

Decided On : Mar-29-1993

Reported in : 50(1993)DLT294

Judge : Sat Pal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 2788 of 1992

Appellant : Shafiq @ Munna

Respondent : State

Advocate for Pet/Ap. : A.C. Jain,; R.L. Nanda and; A.K. Singh, Advs

Judgement :

Sat Pal, J.

(1) This is a petition for grant of bail under Section 439 of Code of Criminal Procedure. In this petition, it has been submitted that the petitioner has falsely been implicated in the present case, besides two other cases i.e. Fir No. 249/91 P.S. Krishan Nagar and Fir 125/91,P.S. Model Town. It has also been stated that the petitioner has already been granted bail in the other two cases. It has further been stated that four co-accused in this case, namely, Jitender Kumar, Rais Ahmed, Suresh and Rajiv had already been granted bail. Along with the petition,

the petitioner has also annexed copies of the orders dated 6-8-92, 25-8-92,2-11-92 passed by this Court granting bail to co-accused Jitender Kumar,Suresh Kumar and Sahidu.

(2) Mr. Jain, the learned Counsel appearing on behalf of the petitioner submitted that the role assigned to the petitioner is same as that to Jitender who was granted bail by this Court on 6/08/1992 and as such the petitioner should also be released on bail.

(3) Mr. Singh, the learned Counsel appearing on behalf of the State,however, submitted that the case of the petitioner is distinguishable. He drew my attention to the Fir wherein it has been alleged that a person having Bakra Cut BEARD' white colour aged 25/26 years snatched from the complainant his wrist watch with name written in Russian language.The learned Counsel submitted that the petitioner answered the said description and as a result of his disclosure statement, the aforesaid wrist watch with name written in Russian language was recovered from him.

(4) I have given my thoughtful consideration to the facts of the case and I have perused the lower Court records also. From the records, I find that the allegation against the accused Jitender Kumar is that one wristwatch was found in his possession. The order granting bail to Jitender shows that he was arrested on the basis of disclosure statement made by Shafiq @ Munna (petitioner). However, as per allegations made against the petitioner, the wrist watch with name written in Russian language has been recovered from him as a result of his own disclosure statement. the petitioner further did not participate in the I.I. Parade, though according to the learned Counsel for the petitioner, he refused to join the parade as he had been shown to the complainant by the police earlier. Taking into consideration the totality of the circumstances, I am of the view that the petitioner is not entitled to bail at this stage. Accordingly, the petition is dismissed.

(5) The observations given by me hereinabove will have no bearing on the merits of the case.

(6) The lower Court records be sent back forthwith.Petition dismissed.

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