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

+ **BAIL APPLN. 189/2025**

SUMIT VERMA

.....Petitioner

Through: Mr. Vijay Kinger, Mr. Ashwani
Gehlot and Mr. R. Nagpal,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP.
SI Sachin, P.S. Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.03.2025

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1. The present application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of
Criminal Procedure, 1973²) seeks regular bail in proceedings arising from
FIR No. 452/2024 registered under Sections 379/356/34 of the Indian Penal
Code, 1860³ at P.S. Karol Bagh.

2. Briefly, the case of the prosecution is as follows:

2.1. On 2nd June, 2024, a PCR call was received at P.S. Karol Bagh,
recorded as DD No. 49A, reporting an incident of robbery. The matter was
assigned to SI Suraj, who proceeded to the location near Gali No. 3,

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Naiwalan, Main Road, Karol Bagh, Delhi, where he met the Complainant, Mr. Anshul Chatrath. The Complainant stated that he runs an auto parts shop in Karol Bagh, and while on his way to the shop at around 11:00 AM, two individuals on a two-wheeler snatched the gold chain from his neck and attempted to flee. As he chased them, the pillion rider pointed an object at him, which he perceived to be a weapon, and fearing for his life, he stopped chasing after them and made a PCR call. Consequently, an FIR was registered and an investigation was initiated.

2.2. During investigation, based on secret information, one suspect, Mr. Sahil, was identified through the CCTV footage from helmet shop in Daryaganj. He was accompanied with two other individuals who were suspected of the robbery. Accordingly, Sections 392/397/34 of IPC and Sections 25/27 of the Arms Act, 1959, were added, as the footage depicted two helmeted individuals pointing a firearm at the Complainant.

2.3. Further investigation revealed that Mr. Sahil had purchased two helmets from the aforementioned shop via UPI. Tracking the transaction led to his location in Brahmpuri, North East Delhi. Upon interrogation, he disclosed that the robbery had been committed by Mr. Faisal @ Sauhil (who allegedly pointed the gun at the Complainant) and Mr. Salman @ Chuddi, and that all three had conspired to execute the crime.

2.4. Subsequently, Mr. Faisal and Mr. Salman were apprehended, leading to the recovery of an automatic pistol with two live cartridges from Mr. Salman's possession. Items seen in the CCTV footage, including a pair of shoes and a shirt, were recovered from Mr. Salman and Mr. Faisal, respectively, while the helmets were recovered from Mr. Sahil. Further interrogation of Mr. Salman revealed that the gold chain that was snatched



had been sold to Mr. Sumit Varma (the Applicant) who was traced to Brahmpuri, Delhi. As a result, all accused persons were arrested on 9th June, 2024.

2.5. Finding that the accused persons had acted in criminal conspiracy with each other, Section 120B of IPC was also added. The Applicant, being the receiver of gold chain, was charged under Section 412 of IPC. During further investigation, the gold chain was recovered from the Applicant's residence.

3. Counsel for Applicant submits the following in support of his request for bail:

3.1. The Applicant has been in custody since 9th June, 2024. Investigation is complete, chargesheet has been filed, thus, no purpose will be served by the prolonged incarceration of the Applicant.

3.2. The Applicant has been falsely implicated and the gold chain which has been allegedly recovered from his residence has been planted and thus the Applicant is entitled to be released on bail on this ground alone.

3.3. The Trial Court failed to consider that the charge under Section 412 IPC is not made out, as there is no cogent evidence against the Applicant.

3.4. The co-accused Mr. Sahil has been granted bail by the ASJ (FTC)-01, central, Tis Hazari Court through order dated 9th July, 2024 and therefore, the Applicant is entitled to be released on bail on the grounds of parity.

3.5. The Applicant has no criminal antecedents and he undertakes to abide by the conditions of the Court, if bail were to be granted.

4. *Per contra*, Mr. Hemant Mehla, APP for State, strongly opposes the Applicant's request for bail and submits as follows:

4.1. The Applicant has multiple other cases against him, as reflected in the



Previous Conviction/Involvement Report annexed to the status report. Thus, the Applicant is habitually indulged in such activity and there is a likelihood that he will indulge in similar offences.

4.2. The stolen gold chain, was recovered from the Applicant's residence, which is sufficient to reject Applicant's request for bail.

4.3. The Applicant's fourth bail application has already been rejected by ASJ-03, Central District, Tis Hazari Court, by order dated 2nd December, 2024.

5. The Court has considered the afore-noted contentions. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴

6. Investigation has been complete, chargesheet has been filed and the matter is at the stage of framing of charges. The Applicant has been in custody since 9th June, 2024 and no further custodial interrogation has been sought by the prosecution. Thus, continued incarceration serves no meaningful purpose.

7. The prosecution's case primarily hinges on the Applicant's disclosure statement, which led to the recovery of the stolen article from his residence. The veracity of the recovery, including whether the gold chain was genuinely found at the Applicant's residence or was planted to falsely implicate him, is a factual dispute that falls within the domain of the trial court. Such issues require a thorough appreciation of evidence, including

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



witness testimonies and cross-examination, which cannot be decided by this Court at the stage of bail.

8. As regards the antecedents are concerned, the Applicant has placed on record orders indicating that he has been acquitted in FIR No. E-648/2022 registered under Sections 379/34 of IPC at P.S. Seelampur. As far as FIR No. 170/2014 registered under Sections 457/380/411 of IPC at P.S. Seelampur is concerned, the Applicant's name appears in column No. 12 of the chargesheet, and, as per his counsel, the Trial Court has not taken cognizance against him. Additionally, the Applicant has been granted bail in the other cases pending against him.

9. The Supreme Court in *Prabhakar Tiwari v. State of Uttar Pradesh*⁵ has observed that while the existence of criminal cases is a relevant factor for consideration, it cannot, in itself, form the sole basis for the denial of bail. Thus, mere pendency of cases does not automatically disentitle an accused from being granted bail, particularly when there is no independent material indicating that he poses a threat to the investigation or is likely to tamper with evidence. Considering that the Applicant has been in custody since 9th June, 2024 and in the absence of any compelling reason to prolong his detention, the Court is inclined to enlarge the Applicant on bail.

10. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

⁵ (2020) 11 SCC 648



- a. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - b. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
 - c. The Applicant shall appear before the Trial Court as and when directed;
 - d. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
 - e. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
11. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
13. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

MARCH 24, 2025

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