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

+ **BAIL APPLN. 898/2025**

MOHD. CHAND

.....Petitioner

Through: Mr. Shripal Upadhyay, Mr. Ajpa
Singh and Mr. Lokesh, Advocates

versus

THE STATE (GOVT., N.C.T. OF DELHI)

.....Respondent

Through: Mr. Raghuinder Verma, APP for the
State with IO/SI Vinay Niwas, PS
Sunlight Colony, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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03.03.2025

CRL.M.A. 6654/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 898/2025

1. The instant bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner/applicant seeking anticipatory bail in FIR No. 316/2024, registered at Police Station - Sunlight Colony, Delhi, for the offences punishable under Sections 123/303(2)/317(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS").
2. Learned counsel appearing on behalf of the petitioner submitted that on 4th October, 2024, the complainant hired an auto rickshaw from Sarai



Kale Khan, Delhi to Singhada Chowk and during the journey, two more passengers boarded the vehicle from Hazrat Nizamuddin.

3. It is submitted that one of the co-passengers allegedly offered the complainant a cold drink purportedly laced with sedatives, which caused the complainant to lose consciousness. The complainant claimed to have found himself abandoned near BJRM Hospital, Jahangirpuri, Delhi, and subsequently sought further treatment at Max Hospital, Shalimar Bagh, Delhi.

4. It is submitted that upon his discharge on 9th October, 2024, the complainant's statement was recorded stating that certain individuals had stolen his personal belongings, including two gold rings, a mobile phone and a bag containing Rupees eight lakhs in cash. Based on this statement, FIR No. 316/2014 was registered at Police Station - Sunlight Colony, Delhi under Sections 123, 303(2), 317(2) and 3(5) of the BNS.

5. It is submitted that during the investigation, the police obtained medical records from Max Hospital, Shalimar Bagh, wherein, the doctor noted the presence of 'Benzodiazepines' in the complainant's drug report, suggesting intoxication.

6. It is submitted that on 12th October, 2024, one Danish Qureshi was apprehended based on secret information. Subsequently, apprehending his own arrest, the petitioner preferred an application seeking anticipatory bail which was disposed of by the learned Additional Sessions Judge, South East District, Saket Courts, Delhi *vide* order dated 8th January, 2025 granting interim protection to the petitioner while directing him to join the investigation.



7. It is submitted that the petitioner, in compliance of the abovesaid order, joined the investigation on 10th January, 2025. Thereafter, he again moved an application seeking anticipatory bail which was dismissed *vide* order dated 12th February, 2025.

8. It is submitted that the dismissal of the application seeking anticipatory bail by the learned ASJ was erroneous and based on presumptions rather than substantive evidence. It is further submitted that there is no independent material on record to establish the petitioner's role in the alleged offence or to justify his custodial interrogation and aggrieved by the rejection of his anticipatory bail application, the petitioner has approached this court, seeking grant of anticipatory bail.

9. It is submitted that the applicant is innocent and has been falsely implicated in the present case. Further, the applicant was not named in the FIR, which was initially registered against unknown persons and his name has surfaced solely based on the disclosure statement of co-accused Danish Qureshi, which, as per settled law, has no evidentiary value unless corroborated by independent material.

10. It is submitted that the applicant has no connection whatsoever with the co-accused and has no knowledge of the alleged incident mentioned in the FIR. It is further submitted that the applicant and co-accused do not even reside in close proximity, and therefore, any inference of association between them is baseless. It is also submitted that the applicant has a clean record with no prior criminal antecedents as he is not involved in any criminal case.

11. It is further submitted that the applicant has been co-operating with the investigating agency and he undertakes to join the investigation as and



when required. He also undertakes that he shall abide by all the terms and conditions imposed by this Court while granting the anticipatory bail.

12. Heard. Issue notice.

13. Learned APP for the State, appearing on advance notice, accepted notice and vehemently opposed the instant bail application. Further, during the course of arguments, he handed over the status report which is taken on record.

14. It is submitted that cases of this nature suggest the involvement of an organized syndicate, of which the accused persons appear to be members. It is further submitted that in order to uncover the full extent of such activities and identify other individuals involved, the custodial interrogation of the applicant is necessary for a thorough and effective investigation.

15. It is submitted that the complainant remained admitted at Max Hospital, Shalimar Bagh, Delhi from 6th October, 2024 to 9th October, 2024 due to the effects of the substance administered to him by the accused persons through the cold drink. It is further submitted that the urine drug assay report of the complainant confirmed the presence of Benzodiazepines, and the treating doctor opined that the complainant has been intoxicated with the said substance.

16. It is submitted that the complainant has identified the applicant in the Test Identification Parade and as per the Call Detail Records (hereinafter “CDR”), the mobile phone location of the applicant matched the location of the complainant at the time of the incident, specifically at CNG Pump, Main Road, Gandhi Vihar, Gopalpur, Delhi, however, despite efforts during the investigation, the mobile phone of the applicant could not be recovered.



17. It is submitted that the applicant has failed to cooperate with the investigating agency and has deliberately provided false and concocted facts during the investigation. In light of these findings, the custodial interrogation of the applicant is necessary to uncover the full extent of the syndicate's operations and to facilitate a comprehensive investigation.

18. It is submitted that the applicant has not approached this Court with clean hands. While the applicant contends that he has no connection with co-accused Danish and they do not reside in close proximity, this assertion is misleading. It is submitted that the applicant resides in Sonia Vihar, Delhi, while the co-accused resides in Bhajanpura, Delhi, which are merely 2 kilometers apart. Thus, the applicant's assertion that he has no association with the co-accused is untenable and does dispel the doubts surrounding his involvement.

19. It is submitted that in view of the aforesaid reasons, including the applicant's lack of cooperation, his alleged involvement in a criminal syndicate, and the necessity of custodial interrogation for effective investigation, the present case does not warrant the grant of anticipatory bail, and therefore, it is prayed that the present application may be dismissed.

20. Heard learned counsel for the parties and perused the material on record.

21. Upon perusal of the contents of the instant application and the status report, this Court finds that, as per the investigating agency, in terms of the CDR, the mobile phone locations of the accused and the complainant were at the same location i.e. CNG Pump, Main Road, Gandhi Vihar, Gopalpur, Delhi at the time of the incident. This crucial piece of evidence directly



contradicts the accused's claim of having no involvement in the offence. The fact that his phone was at the crime scene at the relevant time raises serious suspicion about his presence and role in the commission of the alleged crime.

22. Furthermore, despite the investigation, the mobile phone of the accused has not been recovered, suggesting that he may have intentionally disposed of or destroyed it to obstruct the investigation and erase potential digital evidence.

23. Additionally, the medical report of the complainant confirms the presence of Benzodiazepines in his system, further substantiating the prosecution's case that he was drugged as part of a planned scheme to render him unconscious and commit theft. The combination of these facts – the CDR placing the accused at the scene, the deliberate non-recovery of his phone and the complainant's medical findings – *prima facie* establishes a strong case against the accused. At this stage, these circumstances cannot be overlooked and the necessity for custodial interrogation becomes even more imperative to uncover the full extent of the accused's involvement and to trace any larger conspiracy behind the incident.

24. As per the status report, co-accused Danish Qureshi, who works as an auto driver, has been previously involved in another criminal case of similar nature, wherein theft was committed using an identical *modus operandi*.

25. The petitioner's contention that he has no acquaintance with the co-accused is irrelevant at this stage, particularly in light of the fact that one of the co-accused, Rachit Sharma @ Panditji, is still absconding. The fact that the third accused is absconding further indicates the existence of a larger criminal conspiracy. The petitioner's potential association with this group



necessitates a thorough investigation into his role in the offence, which in turn warrants his custodial interrogation. The nature and extent of the relationship among the accused persons can only be established upon completion of the investigation.

26. Moreover, the argument advanced by the petitioner that his role has been ascertained only on the basis of the disclosure statement of the co-accused is also legally unsustainable at this stage. While a disclosure statement alone may not be substantive evidence, the material available on record suggests that there are independent allegations against the petitioner that warrant further investigation.

27. Taking into consideration the facts of the case, including the CDR, the allegations, the complainant's identification of the applicant and the pattern of similar offences committed by organized syndicates, this Court finds that the present case involves a larger network engaged in targeting innocent individuals for theft through deceptive means.

28. Given the gravity of the allegations and the necessity of uncovering the full extent of the syndicate's activities, this Court is of the considered view that custodial interrogation of the applicant is essential for a thorough and effective investigation.

29. In light of the aforesaid reasons, this Court finds no cogent reasons to allow the present application and thus, the same stands dismissed along with any pending applications, if any.

CHANDRA DHARI SINGH, J

MARCH 3, 2025

Rt/kj/ryp

[Click here to check corrigendum, if any](#)