



2025:DHC:3371



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

% **Date of decision: 05.05.2025**

+ **BAIL APPLN. 1374/2025, CRL.M.A. 10626/2025**

KARTAR SINGH

.....Petitioner

Through: **Mr. Tushar Sharma, Adv.**

versus

STATE (NCT) DELHI

.....Respondent

Through: **Mr. Satish Kumar, APP for
State with SI Shajid Hussain,
PS Malviya Nagar**

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks grant of regular bail in FIR No. 80063196/2024 dated 14.06.2024 registered for offences under Section 380/457 of the Indian Penal Code, 1860 at Police Station Malviya Nagar.

2. It is the case of the prosecution that on 13.06.2024, information was received from the complainant, Ms. Yeshi Seli, d/o Mr. Ashok Kumar Seli, regarding a theft at her residence. Upon receipt of said information, the police reached the spot and found that the central lock of the house is broken. Accordingly, the spot was inspected by the



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crime team, however, no chance fingerprints could be lifted. It is stated that the complainant was out of station at the relevant time.

3. On 14.06.2024, the complainant returned to her residence and found that the household articles had been ransacked. She noticed that various valuables, including jewellery and cash, missing, along with a wrist watch and a sum of Rs. 9,000/- (which was later disclosed to be Rs.90,000/-), had been stolen from her almirah. Pursuant thereto, the present case was registered and investigation was taken up.

4. During the course of investigation, CCTV footage of the locality was examined, which revealed that two individuals had arrived on a motorcycle, who entered the house, and later left with bags. Upon further analysis of the footage, the registration number of the said motorcycle was ascertained, which was found to be registered in the name of one Amit Kumar, who claimed ownership of the motorcycle and stated that the same had been stolen by unknown persons on 13.06.2024, for which he had already lodged an FIR.

5. During the further course of investigation, the CCTV footage was shown to a secret informer, who identified one of the accused as Kartar Singh (the petitioner herein). Consequently, a team was constituted which proceeded to his village and apprehended the petitioner. The petitioner confessed to his involvement in the present case and implicated his brother-in-law Joginder Singh and friend Jagdish Deewan. He revealed that they had travelled to Delhi on 09.06.2024, he also identified the hotel where they had stayed during the commission of the offence, pursuant to which he was arrested.



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6. Subsequently, the petitioner helped to recover the stolen motorcycle used in the commission of the offence. This was the vehicle on which the accused had arrived at the scene and fled after the incident. Efforts were made to trace the co-accused, Jogender; however, he remains absconding. During examination, the petitioner confessed that the stolen articles are in the possession of the co-accused Jogender, who is a native of his village. Upon completion of the investigation, the Charge-Sheet was, accordingly, filed.

7. The learned counsel for the petitioner submits that the trial is likely to take considerable time to conclude, as out of the total 14 witnesses, only 6 have been examined and now only the official witnesses remain to be examined. He submits that since the material public witnesses have already been examined, there remains no apprehension that the petitioner would attempt to influence the witnesses in the event he is released on bail.

8. The learned counsel further submits even in the CCTV footage, the petitioner, is not identifiable and PW-1 failed to identify the petitioner as his face was muffled during the incident.

9. He further submits that the petitioner had earlier been granted interim bail on two occasions, and such liberty was never misused by him. He, therefore, prays that the petitioner be admitted to bail.

10. On the other hand, learned APP for the State opposes the bail application and submits that the role of the petitioner in the commission of the offence is crucial. The motorcycle used in the commission of the offence was recovered at the instance of the



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petitioner. Furthermore, he identified the hotel where he alongwith co-accused persons had stayed during the commission of the offence, from which his identification document, submitted at the time of check-in, was seized. It is also pointed out that the applicant's location was found to be in Delhi at the relevant time of the incident.

11. The learned APP vehemently submits that the petitioner is not having clean antecedents as he is involved in three other cases of similar nature. Thus, he submits that present bail application be dismissed.

12. Having heard the learned counsel for the petitioner and the learned APP for the State and upon a careful perusal of the material placed on record, including the Nominal Roll, it is noted that the allegation against the petitioner pertains to breaking the central lock and having committed theft. The petitioner was arrested on 30.06.2024 on the basis of identification made by a secret informer upon viewing the CCTV footage. However, it is an undisputed position that no recovery has been affected from the petitioner. Moreso, all the material witnesses have already been examined in the present case and the petitioner's identity remains under cloud, not having been identified by PW-1 during trial.

13. Though the learned APP has submitted that the location of the petitioner was shown to be in Delhi at the time of commission of the said incident. However, the State has not placed any CDR on the record.



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14. As per the Nominal Roll the petitioner is in custody since the date of his arrest, being 30.06.2024 and his overall jail conduct is stated to be 'Satisfactory'.

15. In view of the conspectus of facts noted herein above, the Petitioner is admitted to Regular Bail pending Trial in the subject FIR, on his furnishing a personal bond in the sum of ₹30,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:

- i. The Petitioner shall not leave the NCT of Delhi without prior permission of the Learned Trial Court.
- ii. The Petitioner shall report at P.S. Malviya Nagar, Delhi every Saturday at 4:00 P.M. for marking his presence.
- iii. The Petitioner shall immediately intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change of residential address.
- iv. The Petitioner shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- v. The Petitioner is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- vi. The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the Prosecution witnesses or other persons acquainted with the facts of case.
- vii. The Petitioner shall also not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or



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that would prejudice the proceedings in the pending Trial.

16. It is made clear that no observations made above shall tantamount to be an expression on the merits of the Petitioner's case and they have been made for the purpose of consideration of Bail alone.

17. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.

18. The Bail Application is disposed of in the abovesaid terms.

SHALINDER KAUR, J

MAY 5, 2025/sk

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