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

+ BAIL APPLN. 1497/2025

SAGAR BABBAR

.....Petitioner

Through: Mr. Vineet Jain, Advocate.

versus

STATE (GNCT OF DELHI)

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Gaurav Kumar P.S. Rajinder
Nagar.

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+ BAIL APPLN. 1504/2025

DHRUV

.....Petitioner

Through: Mr. B.L. Madhuka, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Anil Kumar Special Staff/East and
SI Gaurav Kumar P.S. Rajinder
Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.05.2025

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1. The above two Bail Applications have been filed by the Applicants Sagar Babbar and Dhruv under Section 482 BNSS for grant of Anticipatory Bail in Case FIR No.80/2025 under Section 115(2)/ 126(2)/ 232(1)/ 309(6)/351(2)/3(5), BNS P.S. Rajinder Nagar.
2. It is submitted in the Applications that the Petitioners are young boys



and are permanent resident of Delhi and are residing peacefully with their family members. They have clean antecedents and no involvement in the criminal activity. There is no previous enmity or grudge between the Applicants and the Complainant/victim. There are no reasons for the Applicants to be involved in the alleged crime.

3. The co-accused Rishabh Kumar Gohar named in the FIR against whom serious allegations had been leveled by the Complainant, has already been granted Anticipatory Bail vide Order dated 28.03.2025. The role of the Applicants are much lesser than that of the co-accused Rishabh Kumar Gohar. There was another person Piyush Sharma named in the FIR with whom the Complainant/victim had previous litigations and the Applicants are totally unaware about the previous enmity between Piyush Sharma and the Complainant. Even in the FIR, no role has been attributed to the Applicants.

4. Even though the contents of the FIR are disputed and denied, the bare perusal makes it apparent that there is no pre-meditation on the part of Piyush Sharma as both parties met on the alleged day of incident accidentally on the road and the Applicants were not even aware that such alleged incident would take place.

5. The two earlier FIRs were registered against Piyush Sharma on behalf of the Complainant, wherein it was alleged that Piyush Sharma had threatened him to withdraw both the previous FIRs against him and as such offence under Section 432(1) BNS was added in the recent FIR. It has been held by the Apex Court and the High Court in various judgments that Police has no power to register an FIR under Section 232(1) of BNS (Section 195 IPC).



6. It is submitted that the Complainant has previously made false allegations against the Applicants which has no corroborative material. There is no case made out under Section 309(6) of BNS as the alleged allegation of lifting of Rs.20,000/- does not fall within the purview of robbery. Certain videos are available with the Applicant to show that the alleged Piyush Sharma and Complainant/victim sat together making party amongst them as both of them are known to each other.

7. There is no requirement of custodial interrogation and there is no likelihood of the Applicants tampering with the Prosecution evidence or of fleeing from the Court. A prayer is made that Anticipatory Bail may be granted.

8. Learned APP for the State has filed a **Status Report**, wherein it is submitted that the custodial interrogation is required as the wallet containing Rs.20,000/- allegedly taken away by the Applicants, is required to be recovered. Furthermore, the vehicle being driven by the Applicants, is also required to be recovered. Furthermore, serious allegations are made by the Complainant that after the incident, co-accused, Piyush Sharma had even tried to run over the Complainant, by his car. Bail Application is, therefore, opposed. The Status Report is taken on record.

9. **Submissions heard and record perused.**

10. Essentially, the allegations are that the co-accused, Piyush Sharma was known to the Complainant and there were multiple inter se litigations between them. On the day of incident, Rishabh Kumar Gohar and Piyush Sharma, were travelling in the car, which was being driven by Rishabh Kumar Gohar and they while going towards Gurudwara, they met the Complainant, in his car. The fight ensued and the car's keys were snatched



by Piyush Sharma while the wallet containing Rs.20,000/- of the Complainant, which was lying on the dashboard, was taken away by Rishabh Kumar Gohar.

11. It is evident from the Complaint as well as from the rival contentions that essentially, it is an inter se fight, which ensued on the spur of the moment, between the parties. Rishabh Kumar Gohar happens to be the friend of Piyush Sharma, the co-accused with whom the Complainant had previous enmity.

12. Looking at the nature of allegations and also that the Applicants Sagar Babbar and Dhruv have clean antecedents, it is directed that in the event of his arrest, the Applicants shall be admitted to Anticipatory Bail by the Investigating officer/Arresting

Officer, subject to the following conditions:-

- (i) The Petitioners shall furnish a personal bond in the sum of Rs.30,000/- with one surety each in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioners shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Petitioners shall furnish their cellphone number to the Investigating officer on which they may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Petitioners 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.



- (v) The Petitioners shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
13. The above two Petitions stands disposed of in the above terms.
 14. Copy of the Order be sent to the learned Trial Court, for compliance.

NEENA BANSAL KRISHNA, J

MAY 23, 2025/va