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

+ **BAIL APPLN. 1597/2025, CRL.M.A. 12658/2025**

AMIR

.....Petitioner

Through: Mr. Pravesh Kumar, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with Mr. Sandeep Kumar, SI and
Mr. Ajay HC, PS-PIA.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **28.04.2025**

1. The present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 438 of the Code of Criminal Procedure, 1973) seeks anticipatory bail in e-FIR No. 038189/2024 under Section 305(b) of the Bharatiya Nyaya Sanhita, 2023², registered at P.S. Patparganj Industrial Area.

2. The Petitioner is one of the accused in the aforementioned FIR. The case of the prosecution is as follows:

2.1. On 10th December, 2024, the present FIR was registered at P.S. Patparganj Industrial Area upon a complaint by one Mr. Ravinder Kumar, who reported that his vehicle, an Eicher bearing registration number UP16GT8164, laden with goods including coffee machines, heaters and

¹ "BNSS".

² "BNS".



motor parts valued at approximately ₹17.67 lakhs, was stolen on 10th December, 2024.

2.2. During investigation, on 28th December, 2024, information was received from P.S. Chhainsa, Faridabad, Haryana, informing the Delhi Police that the stolen vehicle had been recovered from the Petitioner and co-accused Tasleem in connection with FIR No. 257/2024, under Sections 303(2), 317(2), and 3(5) of the BNS, registered at P.S. Chhainsa, Faridabad, Haryana.

2.3. During investigation of FIR No. 257/2024 at P.S. Chhainsa, Faridabad, Haryana, the stolen vehicle was recovered from the Petitioner and co-accused Tasleem. Upon interrogation, co-accused Tasleem disclosed that the stolen goods were with the Petitioner. He also revealed, through his disclosure statement, that he and the Petitioner had planned to sell the stolen vehicle to a scrap dealer in Faridabad but were apprehended by the Police. The co-accused Tasleem further stated that the goods loaded in the stolen truck are still in the Petitioner's possession.

2.4. The Applicant is suspected of having removed and retained the stolen goods from the vehicle. The police are currently making efforts to recover the stolen goods, however, the Petitioner has absconded. The Petitioner has also failed to join the investigation despite a notice under Section 35(3) of the BSS having been affixed at his residence.

3. Mr. Pravesh Kumar, counsel for the Petitioner, states that the Applicant has already secured bail in FIR No. 257/2024 at P.S. Chhainsa, Faridabad, Haryana, which pertains to the same acts as the instant proceedings. Therefore, he submits that the Applicant cannot be prosecuted for the same offence twice. He states that the Applicant has been falsely



implicated and should be enlarged on bail.

4. Mr. Hemant Mehla, APP for State, on the other hand, submits that the case registered in FIR No. 257/2024 at P.S. Chhainsa is entirely different than the one presently being investigated in E-FIR No. 038189/2024. Mr. Mehla submits that the custodial interrogation of the Petitioner is necessary in order to recover the stolen goods.

5. Having heard the counsel for the parties, in the opinion of the Court, the matter is still at the initial stage where the stolen vehicle has been recovered from the possession of the Applicant, clearly indicating his involvement in the offence. Pertinently, FIR No. 257/2024 was registered at P.S. Chhainsa, Faridabad, Haryana under Sections 303(2), 317(2) and 3(5) of the BNS, and therefore, concerns entirely different provisions from the instant FIR, which was registered under Section 305(b) of the BNS.

6. Moreover, as per the disclosure statement of co-accused Tasleem, the goods stolen from the vehicle are in the possession of the Applicant and need to be recovered. Therefore, for proper investigation, the State's request for custodial interrogation is found to be genuine.

7. In light of the above, the Court finds no merit in the present petition and the same is dismissed along with pending application.

SANJEEV NARULA, J

APRIL 28, 2025

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