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

+ **BAIL APPLN. 1768/2025**

SAMEER THROGUH PAROKAR

.....Petitioner

Through: Mr. Kush Sharma, Mr. Abdul Wahid,
Ms. Asiya Khan and Mr. Mishchaya Nigam,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for
State.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

24.11.2025

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1. The present application has been filed on behalf of applicant/petitioner under Section 483 BNSS (Section 439 Cr.P.C) seeking regular bail in connection with FIR no. 122/2024, under Section 392/397/411/34 IPC.

2. The case of the prosecution is that on 03.02.2024 complainant/PW-1 along with her friend Khushi were returning to their home from their college on foot. At about 5 PM when they reached at Gagan Cinema bus stand and were going towards their home by taking service lane, Wazirabad Road, near CNG Pump, Nand Nagri, suddenly three boys on a black colour motorcycle came there, they stopped their motorcycle near them. One of the said three boys put knife on her, whereas the second boy snatched her mobile phone i.e., Infinix 677 Note colour Blue and third boy pushed her.



Thereafter all the three accused persons fled away towards Gagan Cinema on their motorcycle.

3. Mr. Kush Sharma, learned counsel appearing on behalf of applicant/petitioner submits that both the eye witnesses namely PW-1/ Garima as well as her friend PW-3/Khushi have been examined. Referring to the testimony of PW-1, he contends that the said witnesses during her examination-in-chief conducted on 03.07.2024 did not identify the present applicant/petitioner. However, when she was cross-examined by the learned APP on 03.01.2025 i.e., after a period of about six months, she had identified the present petitioner.

4. He contends that insofar as PW-3/Khushi is concerned, she had also stated that she did not identify the accused persons as she could not see their faces. He further contends that the said witness was also cross-examined, but nothing material against the petitioner could be elicited during such cross-examination. He submits that petitioner is in custody since February 3, 2024 and has already spent 01 year and 09 months in custody.

5. He submits that in two other cases stated to be registered against petitioner, he has been convicted in case FIR no. 77/2024 registered at PS-Sihani Gate, Ghaziabad, and has completed his sentence. In other case FIR no. 161/2023 registered at PS-Harsh Vihar, the petitioner is on bail.

6. He submits that petitioner is 22 years of age and urges that having regard to the custody period of petitioner, he may be granted bail.

7. *Per contra*, Mr. Ajay Vikram Singh, learned APP appearing on behalf of State opposes the present petition on the ground that the petitioner is a habitual offender. He submits that in case the petitioner is enlarged on bail, he may again indulge in similar criminal activities.



8. Having heard the learned counsels for petitioner as well as learned APP for State, this Court finds substance in the submission of Mr. Sharma that one of the eye witnesses namely PW-3/ Khushi did not identify the petitioner, whereas the other witness PW-1/Garima did not identify the accused during examination-in-chief and it is only during her cross-examination conducted by the learned APP after six months, she identified the present petitioner.
9. The probative value of testimonies as well as the credibility and reliability of the witnesses will be considered by the learned Trial Court at the appropriate stage.
10. At this stage, having regard to the above submissions of the petitioner and the fact that the petitioner is in custody for a period of 01 year and 09 months, this Court is of the view that petitioner is entitled to regular bail.
11. Insofar as the involvement of the petitioner in other cases is concerned, petitioner is stated to have convicted and completed his sentence in connection with case FIR no. 77/2024 registered at PS-Sihani Gate, Ghaziabad. As regards the other case FIR no. 161/2023 registered at PS-Harsh Vihar is concerned, it is not in dispute that the petitioner is already on bail.
12. Even otherwise, the involvement in other cases cannot be the sole ground to deny the bail.
13. As regards the apprehension expressed by the learned APP with regard to the petitioner indulging in similar criminal activities, once he is released on bail, such apprehension can be allayed by imposition of strict conditions.
14. Accordingly, the petitioner is admitted on regular bail subject to his



furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- a. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - b. Petitioner shall report to the concerned IO on every 2nd and 4th Saturday of every month.
 - c. Petitioner shall provide a mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - d. Petitioner shall not tamper with evidence or communicate with or come in contact with witnesses.
15. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application, and the same shall not be construed as an expression of opinion on merits of the case.
16. The application is disposed of.
17. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
18. Order *dasti* under signatures of the Court Master

VIKAS MAHAJAN, J

NOVEMBER 24, 2025/jg