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

+ **BAIL APPLN. 1863/2025**

RAVI @ TARUN

.....Petitioner

Through: Mr.Joginder, Advocate

versus

THE STATE THROUGH SHO

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State SI Bajran, P.S.-DIU/Central
Distt., Daryaganj

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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17.09.2025

1. The applicant herein is before this Court seeking regular bail, having remained under incarceration since 17.04.2024 i.e. approximately one and half year, in a criminal case arising out of FIR No. 165/2024 dated 14.04.2024 for the alleged offences punishable under Sections 397/411/120B/392/34/395 of the IPC and under Section 25 of the Arms Act, 1959, registered at Police Station D.B.G. Road.

2. Per FIR, on 09.04.2024, Complainant, on instructions of Ashok (son of his employer), he went to Channa Market, Karol Bagh, Delhi, on his Scooty, to collect ₹25,00,000/- from one Lalchand. He received the money in a black polythene bag, placed it inside a white handbag, kept it between his feet on the scooty, and proceeded towards his house at Shastri Nagar.

2.1 Thereafter, near the Ramjas Road roundabout, two black motorcycles carrying two men each intercepted him, one in front and one at the rear. The



rider in front pointed a firearm at victim's head while another sprayed a substance on his face, rendering him unable to see. The victim was then kicked off the Scooty, and the bag containing Rs.25,00,000/- along with his mobile phone was forcibly taken away. Owing to the spray, he became semi-conscious.

2.2 Subsequently, Ashok received a call from an unknown number informing him that the complainant was lying semi-conscious near the roundabout, whereafter Ashok brought him home. Since Mangi Lal was in Rajasthan, the present FIR was lodged upon his return.

2.3 During the course of investigation, it was revealed that the applicant was present near the spot on a scooty and was relaying movement updates of the complainant to the co-accused persons. Subsequently, the applicant was arrested on 17.04.2024. Rs.1,30,000/- in cash was recovered from the applicant.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the petition as below:-

4.1 The learned counsel would submit that there is no material on record to show any involvement of the petitioner/accused no. 2 in the case, and no specific allegation is made against him in the charge sheet. He further submits that here is an unexplained delay in lodging the FIR, as the alleged incident of 09.04.2024 was reported only on 14.04.2024.

4.2 Learned counsel would also submit that the petitioner was falsely shown to have been arrested from Kishangaj's Khandar Quarters, whereas in fact, he was taken into custody from his own house in front of his wife. No



recovery is to be effected from him, his custodial interrogation is not required.

4.3 Furthermore he would submit that the petitioner has clear antecedents, has not been involved in any other case, and has not violated any condition of the earlier bail granted to him. He would also point out that the court below failed to appreciate contradictions and lapses in the investigation, and that the applicant is entitled to benefit of doubt. He would further urge that the charge sheet is also defective as it does not specify the role of each accused or enclose witness statements, contrary to settled law.

4.4 The learned counsel would also further submit that under Section 227 Cr.P.C., the object is to enable the court to decide whether trial is necessary, which has not been appreciated by the court below. He would contend that keeping the petitioner in custody serves no purpose since nothing is to be recovered from him and his detention would amount to pre-conviction punishment, violating Articles 14, 20 and 21 of the Constitution.

4.5 Lastly, he would urge that the liberty of the petitioner is paramount as he is the sole breadwinner, supporting his wife, two minor children, and aged mother, all of whom are solely dependent on him.

5. Opposing the above submissions, the learned APP for the State argues that the same are *sans* merit and the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him absconding, influencing or intimidating witnesses, and tampering with evidence.

5.1 He further submits that the applicant's previous application has been dismissed by the learned ASJ, Tis Hazari *vide* order dated 09.09.2024. He further opposes the bail plea on the grounds that there has been another FIR registered against the applicant.



6. Having heard, I am of the view that there may be some substance in some of the arguments addressed on merits by the learned counsel for the applicant but the same are matter of trial, but at this stage, in light thereof, it is otherwise a fit case for bail. Let us see how.

7. The petitioner was shown to have been arrested from Kishangaj's Khandar Quarters, though *prima facie* it appears that he was actually taken from his home in front of his wife. False implication cannot be thus ruled out. Moreover, since no recovery is to be made, his custodial interrogation is unnecessary. The petitioner has clear antecedents and no other case against him. There are certain contradictions and lapses in investigation, while on the other hand charge sheet neither specifies individual roles of the accused nor includes witness statements, entitling the petitioner to benefit of doubt.

8. As regards the apprehension of influencing or intimidating the witnesses, absconding and tampering with evidence, there is nothing on record to support the same, rendering such apprehension illusory. One of the primary objects of bail is to secure the presence of the accused during trial. The applicant poses no flight risk, and continued detention may amount to punishment before conviction, at this stage. Investigation is over qua him as the charge sheet has been filed 12.07.2024. He is thus not required for any custodial investigation.

9. The applicant has already remained in custody since 17.04.2024, for approximately one and a half year. The trial is moving at a snail's pace and further continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future as it violates the fundamental rule i.e. bail is the rule and jail an exception.



10. Applicant is a family man. He is the sole bread winner of the family and primary caregiver to his minor children, wife and old aged mother.

11. Moreover, it transpires that there is another FIR against the applicant herein, however, he is on bail in the said FIR. Thus, I am of the view that he does not appear to be a flight risk.

12. As an upshot and taking a wholesome view of the matter, particularly the undertaking given by learned counsel for the applicant and apart from what has been recorded hereinabove, I am of the view that it is a case of bail at this stage.

13. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court. Apart from usual conditions he shall also provide his mobile number to the Investigating Officer and shall remain available throughout on the said number in case the Investigating Officer wishes to contact him for any assistance in the ongoing trial.

14. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

15. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 17, 2025/dy