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

+ **BAIL APPLN. 1930/2025**

SALMAN @ CHUDDI

.....Petitioner

Through: Mr. Faheem Alam, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI THROUGH SHO

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for
State with Mr. Sachin, SI, PS-Karol
Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.07.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 452/2024 dated 2nd June, 2024, registered under Sections 379, 356 and 34 of the Indian Penal Code, 1860³ at P.S. Karol Bagh. The chargesheet *qua* the Applicant has been filed under Sections 392, 397, 120B and 34 of IPC, as well as Sections 25 and 27 of the Arms Act, 1959.

2. The case of the prosecution, as gathered from status report and the record, is summarised as follows:

2.1. The FIR was registered on the complaint of Anshul Chatrath, who

¹ "BNSS"

² "Cr.P.C"



alleged that on 2nd June, 2024, while he was near Gali No. 3, Nai Walan, Main Road, Karol Bagh, two individuals with their faces covered and wearing helmets were riding a motorcycle and they snatched the gold chain that he was wearing. When he attempted to pursue them, the pillion rider, dressed in black shirt allegedly made a threatening gesture suggesting he was carrying a firearm, prompting the Complainant to stop out of fear. Based on this version, an FIR was initially registered under Sections 356, 379, and 34 of the IPC and investigation commenced.

2.2. The CCTV footage from the site of the incident was examined, in which two individuals on a two-wheeler were seen trailing the Complainant. The driver, who was identified as Salman (the Applicant), was seen snatching the gold chain. The pillion rider, wearing a yellow shirt, was seen brandishing what appeared to be a firearm.

2.3. The Complainant's statement under Section 161 Cr.P.C was recorded, wherein he reiterated that both assailants were wearing helmets, and the pillion rider in a yellow shirt brandished a pistol to intimidate him. In his supplementary statement, the Complainant clarified that due to panic, he had mistakenly stated that the pillion rider wore a black shirt. Based on the CCTV footage and his subsequent statements, Sections 356 and 379 IPC were substituted with Sections 392, 397 and 34 IPC, along with Sections 25 and 27 of the Arms Act, 1959.

2.4. Further investigation, analysis of CCTV footage and inputs from a confidential informant, led to the identification of three individuals who visited a helmet shop. The shopkeeper confirmed that on 2nd June, 2024,

³ "IPC"



three men purchased two helmets, one payment was made in cash and the other *via* UPI. Consequently, Section 120B IPC was invoked.

2.5. The CDR and UPI transaction details revealed that the phone number used for the UPI payment was registered to one Sahil Afridi. He was traced to Brahmpuri, Seelampur. Upon being apprehended and interrogated, Sahil allegedly confessed that he, Faisal and the Applicant had planned the robbery. Sahil claimed he had procured the helmets and handed them to the Applicant and Faisal, who then executed the robbery. The stolen gold chain was allegedly sold to one Sumit for INR 40,000, of which Sahil received INR 5,000 from the Applicant.

2.6. Based on Sahil's disclosure, Faisal was apprehended, followed by the Applicant. All four accused were arrested on 9th June, 2024. The total recoveries made in the case are:

- (i) Automatic pistol with two live rounds and shoes (from the Applicant);
- (ii) Shirt seen in the CCTV footage (from accused Faisal);
- (iii) Gold chain (from receiver Sumit);
- (iv) Two used helmets (from accused Sahil).

2.7. A Test Identification Parade⁴ was conducted, but the Complainant failed to identify the accused persons.

2.8. A supplementary chargesheet including the FSL result of the recovered weapon has already been filed before the concerned Court. Additionally, photographs and videography of the Applicant and Faisal were taken at FSL Rohini. The photographic FSL report has been sent again to FSL Rohini for comparison with CCTV footage from the scene of the

⁴ "TIP"



incident, and the final results are awaited.

3. Counsel for the Applicant states that he has been falsely implicated and no credible evidence links him to the alleged offence. The submissions made in support of the request for regular bail are summarised as follows:

3.1. The Applicant has been in judicial custody since 9th June, 2024. The investigation in the matter stands concluded and the chargesheet has already been filed. Therefore, continued incarceration of the Applicant will not serve any fruitful purpose.

3.2. The Applicant was not identified by the Complainant at any stage of the investigation. Even during the TIP proceedings, the Complainant failed to identify the Applicant. There is no other eyewitness to the alleged incident apart from the Complainant.

3.3. There are several discrepancies in the Complainant's statements. Initially, in his complaint, the Complainant stated that the pillion rider, who allegedly pointed a weapon, was wearing black clothes. However, in his supplementary statement, he changed his version and claimed that the said individual was in a yellow shirt. This inconsistency, it is argued, creates a serious doubt about the reliability of the Complainant's account.

3.4. The mobile number from which the UPI payment was made at the helmet shop does not belong to the Applicant. His implication in the present case rests solely on the basis of the disclosure statement made by co-accused Sahil Afridi, which, it is argued, is inadmissible and cannot be the sole basis for sustaining the allegations against the Applicant.

3.5. The co-accused Sahil Afridi has already been granted regular bail by the Sessions Court by order dated 9th July, 2024 and similarly, co-accused Sumit has been enlarged on bail by this Court by order dated 24th March,



2025. Thus, the Applicant is also entitled to be released on bail on the grounds of parity.

4. *Per contra*, Mr. Ajay Vikram Singh, APP for State, vehemently opposes the bail application and submits that the allegations against the Applicant are grave and serious in nature. He submits that the shoes worn by one of the assailants seen in the CCTV footage match the shoes recovered from the Applicant, thereby linking him to the crime scene. He further highlights that an automatic pistol along with two live cartridges was recovered at the instance of the Applicant, which is a significant piece of incriminating evidence. It is contended that the Applicant's bail application has already been rejected by the Sessions Court by order dated 6th May, 2025. The prosecution also relies on the disclosure statement of co-accused Sumit, who has specifically named the Applicant as the person who sold the stolen gold chain to him. Moreover, the Applicant has a history of criminal involvement, as he is allegedly implicated in 11 other cases of similar nature. Thus, considering his criminal antecedents and the seriousness of charge, there is a substantial risk of absconding of released on bail.

5. The Court has considered the afore-noted facts and submissions and perused the material on record. At this stage, the Court must not undertake a detailed examination of the evidence or to assess the veracity of the prosecution's allegations. The Court's consideration is confined to whether, on a *prima facie* assessment, the continued incarceration of the Applicant is necessary or whether the grant of bail would impede the trial or risk the integrity of the proceedings.

6. Investigation is complete and chargesheet has been filed. As per the Nominal Roll, as on 21st July, 2025, the Applicant has been in custody for a



period of 1 year, 1 month and 11 days. The Complainant, who is the sole eyewitness in the present matter, has not identified the Applicant during the TIP proceedings. In fact, the Complainant failed to identify either of the accused persons. No other independent eyewitness account has been brought on record by the prosecution. In light of the above, whether the Complainant's statement is sufficient to convict the Applicant is a matter that will be examined during trial.

7. The Applicant's implication at this stage, is largely on circumstantial material, including the disclosure statement of a co-accused, CCTV footage purportedly showing the assailant and the recovery of shoes said to resemble those worn by one of the individuals captured in the footage. Whether the evidentiary value of these materials taken individually or cumulatively, is sufficient for conviction, is a matter that must be determined at trial. However, in the absence of any direct identification or independent corroboration and with the forensic comparison of the CCTV footage, which merely shows a two-wheeler with helmeted riders, still pending, this Court is of the view that continued pre-trial detention is not warranted at this juncture.

8. It is also noted that co-accused Sahil Afridi and Sumit, who stand on a similar footing, have been granted bail by the Sessions Court and this Court, respectively. In the absence of any demonstrated distinguishing factor in the Applicant's role vis-à-vis those co-accused, the ground of parity also weighs in favour of granting bail.

9. Although the State contends that that the Applicant is involved in 11 other cases, the Nominal Roll indicates that he is on bail on all of these



cases. The Supreme Court in *Prabhakar Tewari v. State of Uttar Pradesh*⁵ has observed that while the existence of criminal cases is a relevant factor for consideration, it cannot, in itself, form the sole basis for the denial of bail. Thus, mere pendency of cases does not automatically disentitle an accused from being granted bail, particularly when there is no independent material indicating that he poses a threat to the investigation or is likely to tamper with evidence. Thus, the prosecution's apprehensions can be allayed by imposing strict conditions on the Applicant.

10. In light of the above, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- c. The Applicant shall appear before the Trial Court as and when directed;
- d. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The Applicant shall mark his attendance on the first Monday of every month at the concerned P.S.;

⁵ (2020) 11 SCC 648



- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
11. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
12. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
13. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

JULY 25, 2025

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