



\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1958/2025**

ROHIT SHARMA

.....Petitioner

Through: Mr.Mutiur Rehman (through VC),
Mr.Puneet Gautam and Mr.Nadeem
Khan, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
with SI Robin Vimal, PS Shastri Park.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **01.09.2025**

1. Applicant herein is before this Court seeking regular bail in relation to FIR No. 428/2022 dated 06.05.2022 under Sections 395/307/412/34 of the IPC registered at PS Shastri Park, Delhi.
2. Per FIR, on 05.05.2022, at around 8:30 PM, near the Shastri Park flyover on GT Road, Delhi, the complainant Manish was returning from Gurgaon when he was robbed by three boys. The assailants threatened him with a caesarean blade and snatched his mobile phone along with a black leather purse containing ₹950/- and multiple ID cards. Manish shouted for help but was pushed by the boys, who then fled on foot towards the flyover. During the incident, Manish sustained an injury on his left arm. A passerby named Sachin, who was on a motorcycle, stopped to assist and accompanied Manish to the police station. Later, the three accused were spotted again near the flyover. When confronted, one of them attacked Sachin with a blade, causing a severe injury to his stomach. Sachin was immediately taken to JPC Hospital and later referred to GTB Hospital for further treatment.



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

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

4.1 That no murder weapon, incriminating material, CCTV footage, or motive was recovered/attributed to the applicant. Furthermore, no link has been established between him and the alleged crime. Applicant was not present at the incident spot; only co-accused was located there.

4.2 That out of 17 witnesses, 10 material witnesses (including complainant, victim, and last-seen witness) have already been examined. Remaining witnesses are mostly formal. There is no risk of influencing them if bail is granted.

4.3 That the applicant was unaware of the proceedings initiated against him in the present FIR case. It is submitted in para 5 of the petition that the co-accused persons have already been granted bail. Petitioner has been in judicial custody since 19.05.2022 (over 3 years as under trial).

4.4 That the Chargesheet assigns no active role to Petitioner and moreover, offences u/s 395/307 IPC are not made out against him.

4.5 That the Investigation qua the Petitioner is complete; no further custodial interrogation is required. All public/eye witnesses have been examined; trial is unlikely to conclude soon.

4.6 That the applicant undertakes not to abscond, tamper with evidence, or misuse liberty; will attend all hearings. Moreover, the applicant has clean antecedents, is not a previous convict or habitual offender.

4.7 That the applicant is a permanent resident, not involved in other criminal cases, and his conduct in jail is satisfactory. His tender age at the



time of alleged offence may be considered.

4.8 Lastly, applicant is the sole breadwinner and has dependent family members. He is willing to furnish bail bond/surety and comply with any conditions imposed by the Court.

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

6. Having heard, I am of the view that it is a fit case for bail. Let us see how.

7. In response to a specific query from this Court, the learned APP for the State has confirmed that the chargesheet has already been filed, and the investigation, insofar as the applicant is concerned, stands concluded. Hence, custodial interrogation is no longer required.

8. In fact trial has commenced but proceedings at snail's pace. Ten out of seventeen key witnesses, including the complainant and victim, have been examined; the rest are formal, minimizing any risk of influence.

9. From the arguments addressed, *prima facie* it appears that the applicant had no weapon, incriminating material, CCTV link, or motive connecting him to the crime and was not present at the scene. The chargesheet assigns him no active role, and offences under Sections 395/307 IPC are not made out against him. The allegations against him are based primarily on presumptions and circumstantial evidence, without any direct material linking him to the core offence.

10. Co-accused have already been granted bail as stated in para 5 of the petition which is not disputed. Applicant has been in judicial custody since 19.05.2022 (over three years as an undertrial).



11. The prosecution has already seized all relevant documentary and electronic evidence qua applicant herein, making the possibility of evidence tampering highly remote. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, has deep roots in society, and is an elderly parent and is the sole bread earner for his family , who are dependent on him for their well-being.

12. The applicant is a 27-year-old with no criminal antecedents other than the FIR in question, wherein he is implicated, thus doesn't seem to be a flight risk. Further continued incarceration would thus serve no useful purpose, especially, when the trial is not likely to conclude in the near future. He has cooperated fully during the course of investigation, including appearing before investigating authorities whenever required. There has been no attempt by the applicant to delay or obstruct the investigation, which reinforces his bona fide conduct.

13. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. bail is the rule and jail the exception, particularly when the accused does not pose a flight risk or a threat to the integrity of the trial.

14. As an upshot and taking a wholesome view of the matter, 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.

15. 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.

16. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 1, 2025/SV