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

+ **BAIL APPLN. 1984/2025**

ROKI@PANKAJ

.....Petitioner

Through: Mr.Shannu Baghel, Mr.Aakash,
Mr.Ganpat Ram and Mr.Saksham
Kumar, Advocates

versus

STATE NCT GOVT OF DELHI

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

17.09.2025

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1. The applicant herein is before this Court seeking regular bail, having remained under incarceration since 17.04.2024, i.e. approximately 1 year and 5 months, in a criminal case arising out of FIR No.165/2024 dated 14.04.2024 for the alleged offences punishable under Sections 392/34 of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station D.B.G.Road.

2. Per FIR, on 09.04.2024, son of complainant's employer (Mangi Lal), instructed the complainant to collect the shop's payment of Rs.25,00,000/- from Channa Market, Karol Bagh, Delhi. The complainant/victim proceeded on his Scooty bearing No. DL6SBH 3815 and met one Mr. Lalchand, from whom he received the said amount in a black polythene bag. The cash was placed in a white handbag, which he carried while returning to his residence.



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 complainant's head while another sprayed a substance on his face, rendering him unable to see. The complainant 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, the complainant's employer's son, 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.

2.3 Since Mangi Lal was in Rajasthan, the present FIR was lodged upon his return, and during the course of investigation, the applicant, along with co-accused persons, was apprehended on the basis of secret information.

2.4 Thereafter, the applicant was apprehended on 17.04.2025 based on the disclosure statement of the co-accused/ Ravi @ Tarun who was present near the incident spot on a Scooty.

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 That the applicant has been in judicial custody since 17.04.2024 and has undergone incarceration for approximately 1 year and 5 months. He would urge that the applicant is the sole breadwinner of his family, having two minor daughters and aged parents dependent upon him and there is no incriminating evidence against him, yet his liberty, a constitutional guarantee, is at stake. The applicant has been shown arrested solely on the



basis of the disclosure statement of a co-accused and has been falsely implicated.

4.2 That there is delay in lodging the FIR, and the applicant was illegally arrested. He would argue that on 13.04.2024, he was taken from his residence at midnight by officials of Special Staff, Crime Branch, PS Kamla Market, kept in illegal custody, tortured for three days, and thereafter handed over to DBG Police on 16.04.2024. The chargesheet, however, records that on 16.04.2024, the police received secret information near Kishan Ganj Railway Station and apprehended three boys standing near two motorcycles. On interrogation of those co-accused, it was allegedly revealed that the applicant was present at 33A Dalip Vihar, Nilothi Extension. A raid was conducted, and the applicant was shown arrested from there on 17.04.2024, though in fact, he was already in illegal custody since 13.04.2024. Thus, his arrest has been falsely projected, and even the recovery shown is planted.

4.3 That the chargesheet filed under Sections 392, 394, 395, 397, 411, 34, 120B IPC and Section 25 of the Arms Act does not attribute any specific role to the applicant.

4.4 He would submit that the applicant's first bail application was considered by the learned Trial Court on 12.02.2025, whereafter on 27.02.2025, the applicant was discharged from offences under Sections 392, 395, 397, 120B, 34 IPC and Section 25 of the Arms Act, and charge was framed only under Section 412 IPC. The matter was listed for prosecution evidence on 15.04.2025, pursuant to summons issued to the complainant and other witnesses. However, on that date only PW ASI Jaswant appeared, while the complainant and other witnesses remained absent, leading to an



adjournment of the case to 08.07.2025. Meanwhile, the Trial Court, while considering the applicant's first bail application, had already dismissed the same on 01.03.2025, citing the gravity of allegations, severity of punishment, and the nascent stage of trial.

4.5 That the applicant thereafter filed a second bail application, listed on 06.05.2025, on the ground of material change in circumstances as he stood discharged from the serious offences and was charged only under Section 412 IPC. The Trial Court, however, by order dated 14.05.2025, dismissed the second bail application, merely reproducing the earlier dismissal order without independent consideration. That the reply filed by the Investigating Officer in opposition to the second bail application pertained to co-accused/ Ravi @ Tarun, and not the present applicant, but was still relied upon by the Trial Court. This error reflects non-application of mind in deciding the bail application.

4.6 He would contend that the learned District and Sessions Court, without due appreciation of facts and circumstances, dismissed the bail applications of the applicant *vide* orders dated 01.03.2025 and 14.05.2025, resulting in violation of his fundamental right to personal liberty under Article 21 of the Constitution of India.

4.7 That the applicant has no previous criminal record, has cooperated with the investigation, and no recovery of money, weapon, or incriminating material has been made from him linking him to the alleged offence. He would contend that his implication in the present FIR is only due to his acquaintance with co-accused/ Ravi @ Tarun, a local resident of the same area. He would thus urge that the applicant's continued incarceration has caused immense hardship to his family, depriving his children of education



and sustenance, and leaving his aged parents helpless.

4.8 He would place reliance upon the judgments in *Kalu v. State of Rajasthan (2011 (2) CrLR (Raj) 1261)*, *Gajraj Singh v. State of U.P. (2021 SCC OnLine All 656)*, and *Rajeev @ Ravi v. State of U.P. (2021 SCC OnLine All 842)*, wherein bail was granted to accused charged under Section 412 IPC on the ground that recovery was doubtful, the accused had no direct role in the dacoity, and gravity of offence alone is not a ground to deny bail.

5. Opposing the above submissions, the learned APP for the State argues that the same is *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 crucial evidence. She would submit that the applicant had filed regular bail applications which were also dismissed by the learned ASJ *vide* orders dated 01.03.2025 and 14.05.2025 on similar grounds. She would further contend that the applicant committed a heinous and grave offence of dacoity and thus, the instant applicant deserves to be rejected.

6. On a query put to the learned APP for the State, he submits, on instructions that nothing is now recoverable from the applicant. The role attributed to him *vis-à-vis* the co-accused/Ravi @ Tarun who has also been granted bail by this Court *vide* order of even date passed in BAIL APPLN. 1863/2025 is on lesser footing is also not disputed.

7. 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.



8. *Prima facie* the prosecution's case rests solely on the disclosure statement of the co-accused/ Ravi @ Tarun, however, nothing incriminating has been recovered from the applicant and it so appears that the applicant was implicated in the present FIR on the ground that the applicant is familiar with the co-accused as a local friend.

9. *Furthermore*, the applicant was allegedly taken from his residence at midnight on 13.04.2024 by Special Staff officials, but the chargesheet records his arrest on 17.04.2024 pursuant to a raid based on secret information. False implication cannot thus be ruled out. Moreover, the chargesheet filed under Sections 392, 394, 395, 397, 411, 34, 120B IPC and Section 25 Arms Act does not assign any specific role to the applicant.

10. The applicant has already remained in custody since 17.04.2024, for approximately 1 year and 5 months. Investigation is over *qua* him as the charge sheet has been filed on 12.07.2024, he is thus not required for any custodial investigation. 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.

11. 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 has clean antecedents, poses no flight risk, and continued detention may amount to punishment before conviction, at this stage.

12. Moreover, the co-accused/Ravi @ Tarun has been granted bail in



BAIL APPLN. 1863/2025 passed by this Court *vide* order of even date, I am of the view that the applicant herein also deserves the same relief on ground of parity.

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.

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