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

+ **BAIL APPLN. 2048/2025**

IMRAN HASHMI

.....Petitioner

Through: Mr. Yogesh Sharma, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State with SI Sandeep Sandhu, ARSC
Crime Branch.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

14.08.2025

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1. By way of the instant bail application, the applicant seeks grant of regular bail in case arising out of FIR bearing No. 198/2009, registered at Police Station ARSC Crime Branch Shakarpur, Delhi for the commission of offences punishable under Section 399/402/411 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 25 of the Arms Act, 1959.
2. Issue notice. The learned APP accepts notice on behalf of the State.
3. Briefly stated, the facts of the present case are that on 20.11.2009, secret information was received regarding a gang planning to loot houses by posing as postmen, NDPL officers, and CBI officials. The information was recorded vide DD No. 05. ASI Ravinder Tyagi was tasked with developing the input. On 22.11.2009, the informer again reported to Insp. Rajpal Dabas that around 7:00 PM, members of the Ramzan Pehalwan gang would



assemble near Ganda Nala, Mukherjee Nagar, Delhi, on stolen motorcycles, to plan a dacoity. The information was lodged in the daily diary and conveyed to ACP Udayveer Rathi, who directed the formation of a raiding team. At about 6:30 PM, three persons arrived on a motorcycle at the spot, followed shortly by two more on another motorcycle. All five sat along the wall of nearby apartments and began discussing their plan. HC Hanuman, in disguise, overheard their conversation: one member proposed posing as NDPL officers to enter a flat in Timarpur on the pretext of tampered electricity meters; others stated they had country-made pistols and would loot the house at gunpoint, even breaking open the almirah if keys were not provided. They also said they would use stolen motorcycles for the crime. After the conversation, HC Hanuman signaled to SI Virender, who called upon the gang to surrender. The accused attempted to flee but were apprehended by the raiding team. They were identified as Ramzan Pehalwan, Imran, Javed, Irshad, and Nazim @ Guddu. From the possession of applicant Imran Hashmi, one country-made pistol and one live cartridge were recovered. Similar weapons, cartridges, lock-breaking tools, and two stolen motorcycles (bearing Nos. DL 7AM 5868 and DL 3SAC 3901, earlier reported stolen in FIR Nos. 190/2009 and 195/2009, P.S. Timarpur) were also seized from the other accused.

4. After completion of investigation, charge-sheet was filed against the applicant Imran Hashmi and four others on 21.01.2010. The case is at the stage of prosecution evidence, with the next date of hearing fixed as 09.09.2025. Although granted bail by the learned Trial Court, the applicant failed to appear and was declared a Proclaimed Offender on 18.10.2014 by the learned Trial Court. On 18.11.2024, information was received that the



applicant was residing in Wadala, Mumbai. Acting on this, the applicant was apprehended on 20.11.2024 with the assistance of local police, arrested under Section 35(1)(d) of BNSS after due verification, and remanded to judicial custody. A charge-sheet under Section 174A IPC has also been filed against him.

5. The learned counsel appearing on behalf of the applicant argues that the order dated 13.01.2025, vide which the bail application of the applicant was dismissed by the learned Trial Court, clearly reveals that the same is based on the surmises and conjectures as the same discloses the opinion of this Court as ground of dismissal contrary to the settled preposition of law. He argues that the accused/applicant is in judicial custody since 20.11.2024, and therefore, he be released on regular bail.

6. The learned APP for the State on the other opposes the present bail application and argues that the applicant/accused is not a resident of Delhi, involved in many cases, and he may jump the bail, if so granted to him.

7. This Court has heard arguments addressed on behalf of both the parties and has perused the material available on record.

8. Concededly, the applicant had been earlier granted regular bail by the learned Trial Court. Thereafter, pursuant to his re-arrest after being declared Proclaimed Offender, he has been in judicial custody since 20.11.2024.

9. Considering the overall facts and circumstances of the case, and the fact that the accused/applicant was not aware about the pendency of the present case and also considering the fact that trial will take some time to conclude, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount, after verification of the address of the accused/applicant as



well as his surety, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall deposit his passport with the learned Trial Court, if any, and shall not leave the country without prior permission of the concerned Court.
 - ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
 - iii) The applicant shall appear regularly before the learned Trial Court.
10. Accordingly, the present bail application stands allowed and is disposed of.
11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 14, 2025/zp