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

+ BAIL APPLN. 2120/2025, CRL.M.A. 17326/2025

FAISAL @ MUNNA

.....Petitioner

Through: Mr. Kapil Singhal, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with SI Omprakash and SI Vikash,
PS-MS Park.

+ BAIL APPLN. 2405/2025

ARBAZ

.....Petitioner

Through: Appearance not given.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with SI Omprakash and SI Vikash,
PS-MS Park.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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09.10.2025

1. The present applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seek regular bail in FIR No. 54/2024 registered under Sections 392/394/398/34 of the Indian Penal Code, 1860³ and Section 27 of the Arms Act, 1959 at P.S. Mansarovar Park.

2. In brief, the case of the Prosecution is as follows:

2.1. On 20th January 2024, a PCR call was received at P.S. Mansarovar Park, Shahdara, reporting a robbery. Upon reaching the spot, the Complainant, Murari Chaudhary, handed over a mobile phone found at the

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



site of occurrence to the investigating officers, which was duly seized.

2.2. The Complainant stated that at about 8:30 PM, while returning home on his scooter, he was carrying a sum of ₹1,30,000 in cash kept in a blue-coloured leather bag. Two unidentified men approached him; one pushed him to the ground, while the other snatched his bag. Both thereafter fled in the direction of Loni Road.

2.3. The Complainant, assisted by an unknown motorcyclist, pursued the accused persons. It is alleged that the assailants, upon boarding a scooter, brandished a country-made pistol (*desi katta*) and threatened to shoot, forcing the Complainant to desist from further chase. Soon after, he found a mobile phone lying near the scene, which was handed over to the police. On the basis of his statement, the FIR in the present case was registered.

2.4. The mobile phone was traced to accused Asif, whose disclosure led to the arrest of the Applicants. Investigation revealed that accused Faisal @ Munna had been driving the scooter during the commission of the offence, and the said vehicle was recovered at his instance. From his possession, ₹20,000 in cash, the Complainant's bag, and his Aadhaar card were also recovered. As regards accused Arbaz, a recovery of ₹27,000 in cash, one country-made pistol, and two live cartridges was effected pursuant to his disclosure statement. Further, Faizal received ₹25,000 of the robbed amount, while Arbaz retained ₹30,000 of the said amount.

2.5. CDR analysis further confirmed telephonic communication between Faisal and Arbaz before and after the incident. Upon completion of investigation, a chargesheet was filed under Sections 395, 397, 398, 412, 120-B, and 34 of the IPC read with Sections 25 and 27 of the Arms Act, before the competent court.

2.6. During judicial TIP, both Applicants were correctly identified by the



Complainant.

3. Counsel for the Applicants make the following submissions in support of their plea for regular bail:

3.1. The Applicants have been falsely implicated in the present case. They have been in judicial custody since 22nd January, 2024 and have undergone incarceration for over 1 year and 8 months. The chargesheet has already been filed and the alleged recoveries have been effected. In these circumstances, their continued detention serves no meaningful purpose.

3.2. The recoveries from the Applicants appear to be fabricated. The Prosecution has neither furnished any specific description of the bag or scooter purportedly seized, nor disclosed the denominations of the currency allegedly recovered. As regards the recovery of the pistol and two live cartridges from Arbaz, it is the case of the Prosecution that the said weapon was procured by him from co-accused Ajay. However, Ajay has neither been arrested nor interrogated thus far, thereby rendering the Prosecution's claim uncorroborated. Furthermore, according to the Prosecution's own version, it was not the Applicant but co-accused Ajay who had allegedly brandished the pistol at the Complainant during the commission of the offence. In view of the foregoing, the alleged possession and recovery attributed to Arbaz becomes highly doubtful.

3.3. Despite the alleged incident having taken place in a densely populated area with numerous shops, factories, and residences nearby, no independent public witness has been examined to corroborate the version of the Prosecution. Mere identification of the Applicants in the judicial TIP is insufficient, by itself, to establish their involvement in the alleged offence.

3.4. Co-accused Shalib @ Salim and Asif have already been released on bail. The Applicants are therefore entitled to bail on the principle of parity.



4. Opposing the prayer, Mr. Mukesh Kumar, APP for the State, submits that the offences alleged are grave and heinous in nature, involving armed robbery committed with deadly weapons. It is submitted that illegal arms and ammunition, along with a part of the robbed amount, were recovered from the Applicants. Mr. Kumar also points to the criminal antecedents of Applicant Faisal, asserting that his involvement in prior offences demonstrates a continuing propensity for such conduct. It is also argued that the co-accused Shalim and Asif, who have already been granted bail, had distinct roles from the present Applicants, with only some portion of the robbed amount recovered from them, in contrast to the recovery of a scooter and the weapon at the instance of the Applicants. It is further submitted that, if released, the Applicants may again engage in similar unlawful activities or attempt to influence the Complainant and other witnesses, thereby undermining the course of trial and public confidence in the administration of justice.

5. The Court has considered the facts and submissions advanced by the parties. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved is to secure the attendance of the accused person at the trial.⁴ The presumption of innocence, which continues until conviction, remains the foundational principle guiding the exercise of judicial discretion in matters of bail.

6. In the present case, both Applicants have remained in custody for over one year and eight months. The investigation has concluded, the charge-sheet has been filed, and the recoveries, as alleged by the Prosecution, stand

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



effected. There is no further requirement of custodial interrogation. The record also indicates that proceedings before the Trial Court have progressed at an unduly slow pace, with the matter still pending at the stage of consideration on charge since January 2024. The resulting delay in commencement of trial, when seen alongside the substantial period of incarceration already undergone, persuades this Court to hold that continued detention would serve no discernible purpose other than pre-trial punishment, a consequence inconsistent with the settled principles of criminal jurisprudence.

7. The case of the Prosecution primarily hinges upon disclosure statements and the consequential recoveries allegedly effected from the Applicants or at their instance. The Applicants, on their part, have assailed the genuineness of these recoveries and alleged fabrication. At this stage, however, the Court is not to conduct a mini-trial, nor would it be appropriate to render any findings that may prejudice the case of either the Prosecution or the Defence. These issues are to be determined at the stage of trial, upon due appreciation of evidence adduced by the parties.

8. While the Prosecution has emphasised that the role attributed to the present Applicants differs from that of the co-accused who have already been released on bail, this distinction does not appear to be of such material significance as to justify a differential treatment at this stage. The prosecution case rests on the principle of common intention under Section 34 IPC, alleging that the Applicants acted in concert with others in the commission of the offence. In such circumstances, where liability arises from collective participation in a joint act, minor variations in the role or the nature of recovery cannot, by themselves, warrant a different approach at the stage of bail, particularly in the absence of any allegation of an independent



or graver act of violence.

9. The Court is also mindful of the Prosecution's submission regarding the antecedents of Applicant Faisal. The record indicates that he is involved in certain other cases; however, it is not disputed that he is presently on bail in those matters and that no breach of bail conditions has been reported. The Supreme Court has consistently held, that mere involvement in other cases cannot be a ground, in itself, to deny bail if the accused is otherwise entitled to it on merits.⁵ The apprehensions expressed by the Prosecution can be adequately safeguarded by imposing strict conditions, including a requirement that the said Applicants shall report to the Investigating Officer or to the Station House Officer of the concerned police station once every fortnight, and shall not leave the NCT of Delhi without prior permission of the Trial Court.

10. Having regard to the totality of circumstances, particularly, the period of custody already undergone by the Applicants and the protracted pace of the trial as well as the principle of parity, this Court is inclined to allow the present applications. The Applicants are, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹50,000/- each with one surety each of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicants shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicants 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;

⁵ Maulana Mohammed Amir Rashadi v. State of U.P., (2012) 2 SCC 382; Prabhakar Tewari v. State of U.P., (2020) 11 SCC 648.



- c. The Applicants shall under no circumstance leave the country without the permission of the Trial Court;
- d. They shall not leave the National Capital Territory of Delhi without prior permission of the Trial Court; they shall appear before the Trial Court as and when directed;
- e. The Applicants shall provide the address where they would be residing after their release and shall not change the address without informing the concerned IO/ SHO;
- f. The Applicants shall, upon their release, give their mobile numbers to the concerned IO/SHO and shall keep their mobile phones switched on at all times.
- g. The Applicants shall report to the concerned PS every fortnight.
- 11. In the event of there being any FIR / DD entry / complaint lodged against the Applicants, 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 applications, 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. Copy of the order be communicated to the concerned Jail Superintendent for necessary information and compliance.
- 14. The bail applications are allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 9, 2025

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