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

+ **BAIL APPLN. 2844/2025**

KARTIK

.....Petitioner

Through: Mr.Sataroop Das and Mr.Ujjwal K.
Priyadarshi, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State alongwith SI Sachin Sharma,
P.S.- Laxmi Nagar

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

13.10.2025

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1. The applicant is before this Court seeking anticipatory bail owing to his apprehension of arrest arising out of FIR No. 06062/2025 for alleged offence under Section 305(b) (Theft in a dwelling house, or means of transportation or place of worship, etc.) of the Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Laxmi Nagar.

2. The case set up by the prosecution, as per the Status Report dated 06.10.2025, is that on 26.02.2025, the complainant Yograj, lodged an e-FIR alleging that his Honda Shine motorcycle bearing registration number DL07SCA2532 was stolen in the intervening night of 26/27.02.2025.

2.1 In the course of investigation, on receipt of secret information in the intervening night of 26/27.06.2025, two alleged auto-lifters, co-accused Deepak @ Deepu and Hansraj @ Pulkit, were apprehended along with



a KTM Duke 390 motorcycle, which had been reported stolen in FIR No. 017403/2025 registered at PS Mehrauli.

2.2 Upon interrogation, the said co-accused Deepak @ Deepu and Hansraj @ Pulkit disclosed that they had been involved in vehicle thefts across different parts of Delhi for about four months, in association with their accomplices Anil @ Doctor, Ashish, and Kartik (the applicant herein).

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

4. Learned counsel for the applicant would submit that the applicant's name does not appear in the FIR and no specific role or allegation has been attributed to him in the alleged offence. It is submitted that the applicant was merely a pillion rider and was unaware that the motorcycle being driven by co-accused Deepak @ Deepu was stolen. The applicant had no knowledge, intent, or participation in the alleged theft and has been falsely implicated in the present case.

4.1 Learned Counsel would further submit that while the applicant was assisting the main accused/co-accused Deepak @ Deepu in pushing the motorcycle that had run out of petrol, the police arrived, leading both to flee in panic. The applicant has since cooperated with the police investigation and appeared pursuant to the notice under Section 35(3) BNSS, 2023, issued by P.S. Laxmi Nagar.

4.2 Learned counsel would further submit that despite the applicant's cooperation and his voluntary appearance, the IO failed to issue any notice for joining investigation as directed by the learned ASJ, Karkardooma courts, *vide* order dated 10.07.2025. Nevertheless, the applicant joined



investigation of his own accord, but the IO incorrectly stated that the applicant did not cooperate.

4.3 Learned Counsel would further submit that the applicant had earlier moved an anticipatory bail application before the learned ASJ, Karkardooma Courts, wherein interim protection was granted on 10.07.2025. However, *vide* order dated 21.07.2025, the learned ASJ dismissed the application solely on the ground that recovery of case property was yet to be effected and the investigation was at an initial stage.

4.4 Learned counsel would further submit that the main accused/co-accused Deepak @ Deepu has already been granted regular bail *vide* order dated 22.07.2025 by the same court, observing that no recovery was effected during his police custody and no custodial interrogation was required.

4.5 Learned Counsel would further submit that the applicant is a permanent resident of Meerut, U.P., has deep roots in society, and there is no possibility of his absconding or influencing witnesses. The applicant undertakes to cooperate in the investigation and abide by all conditions imposed under Section 482 BNSS, 2023.

4.6 Learned counsel would finally submit that, as the applicant has no role in the alleged offence, has already cooperated with the investigation, and stands on an identical footing as the co-accused who has been granted bail, his custodial interrogation is unwarranted, and no useful purpose will be served by his arrest.

5. I have heard the submissions of both sides and perused the case file.

6. In the aforesaid backdrop, the matter was earlier heard by me on 31.07.2025, the following order was passed:-

“1. Issue notice. Learned APP accepts notice on behalf of the State and



seeks time to file a status report qua the ongoing investigation and the roll attributed to the applicant herein.

2. It transpires the earlier anticipatory bail application was dismissed by learned Sessions Judge on the ground that the applicant is not cooperating in recovery of the stolen motorcycle. Prior thereto, he was on interim bail.

3. In the premise, till the next date of hearing, no coercive steps will be taken against the applicant. However, in the meanwhile, as and when required by the I.O., appellant shall report to him for any further interrogation, if warranted.

4. I.O., who is present in Court, states that the applicant be bound down by order of the Court to appear before him on 02.08.2025 at 4:00 PM.

5. It is, accordingly, so ordered.

6. List on 13.10.2025.”

7. Apropos, a status report dated 06.10.2025 has been filed, relevant of which reads as under:-

“7. That, on 01.07.2025 petitioner/accused Kartik filed anticipatory bail application before the Ld. District & Session Court, KKD, Delhi and same was dismissed vide order dated 21.07.2025.

8. That, now petitioner/accused Kartik has applied the present petition for his anticipatory bail and in compliance to Hon'ble High Court order dated 31.07.2025, the petitioner/accused Kartik was served upon two notices u/s 35(3) BNSS and he appeared before the IO/HC Kishan for joining investigation of the case on both dates i.e. 16.08.2025 & 04.09.2025 and applicant/petitioner Kartik was Bound-Down in the present case after conducting thorough interrogation with him on 04.09.2025.”

8. Apropos, on resumed hearing today, on a Court query, learned APP for the State, on instructions from the Investigating Officer, fairly submits that the applicant has complied with the aforesaid order dated 31.07.2025 and joined the investigation. After doing the needful, the Investigating Officer is of the opinion that no custodial interrogation is warranted and the applicant has been bound down with instruction that as and when required to appear before the Investigating Officer he shall make himself available.

9. Accordingly, the instant application is allowed. The interim protection



granted to the applicant is made absolute subject to the compliance of the mandatory provisions contained under Section 482(2) of BNSS and furnishing of bail bonds to the satisfaction of the Investigating Officer.

ARUN MONGA, J

OCTOBER 13, 2025
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