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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2964/2025**
MOHD FAIZ

.....Petitioner
Through: Mr. Akanksha Rai, Mr. Gurneet Kaur
and Mr. Hasan Raza Khan, Advs.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector C.L. Meena, SHO,
Kamla Market and Inspector Raj
Kumar, P.S. Jagat Puri.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

% **ORDER**
22.09.2025

1. The applicant seeks regular bail in relation to FIR No.395/2023 dated 12.06.2023 under section 392/394/302/34 IPC registered at P.S. Jagat puri.
2. On 12th June 2023, the deceased, Mithlesh Kumari Bansal (age 62), was riding pillion on a motorcycle driven by her husband. Suddenly two persons on another motorcycle began following them. One of them then forcibly attempted to snatch the gold chain worn by the deceased. When the deceased resisted the assailants pushed her off the moving motorcycle. She sustained fatal head injury. She was rendered unconscious and bled profusely. She was immediately taken to a Hospital, where she was declared



dead.

3. Heard and perused the case file including the status report filed by the prosecution.

4. Learned counsel for the applicant argues that the applicant has been in judicial custody since 15.06.2023, having undergone incarceration for over two years without conclusion of trial. He is aged 30 years, has no prior criminal antecedents and claims to have been falsely implicated in the present case. He also submits that all material witnesses have already been examined and discharged, and the remaining witnesses are only formal in nature, whose testimonies are procedural and do not directly implicate the accused. Hence, the possibility of tampering with evidence or influencing witnesses does not arise. The continued detention of the applicant, while the trial is still pending at the stage of prosecution evidence and likely to take considerable time, amounts to pre-trial punishment and is violative of Article 21 of the Constitution of India. He further submits that the learned Trial Court erred in denying bail solely on the ground of seriousness of allegations, without appreciating that once the material witnesses have been examined, seriousness alone cannot justify denial of bail.

5. Learned counsel for the applicant places reliance on “**Satish Jaggi v. State of Chhattisgarh**”, (2007) 11 SCC 195 wherein the Hon’ble Supreme Court held that in non-bailable offences, bail can be granted if the facts and circumstances so demand, and that at the stage of bail, courts are only to consider the existence of a prima facie case, not the credibility of witnesses.



He also places reliance on “***Lt. Col. Prasad Shrikant Purohit v. State of Maharashtra***”, (2018) 11 SCC 458 wherein it was observed that while granting or refusing bail, courts must exercise discretion judiciously and indicate prima facie reasons for granting or denying bail. Lastly, learned counsel for the applicant submits that the applicant undertakes to cooperate with the trial and abide by all conditions imposed by this Court and to furnish sureties to the satisfaction of the Trial Court.

6. Whereas, the prosecution opposes bail, citing the seriousness of the offense, the death of Mithlesh Kumari Bansal during a motorcycle snatching near Krishna Nagar Metro Station. Investigation includes recovery of the stolen chain, CCTV footage, and witness statements. The accused, Mohd. Faiz (chain snatcher) and Mohd. Iqbal @ Bablu (motorcycle driver), have been identified by the deceased’s husband. Given the gravity of the crime, recovery of stolen property, multiple accused, and risk to investigation and witnesses, bail is thus sought to be rejected.

7. On a court query, it transpires that the testimony of the jeweller who is stated to be a material witness and had stated that it was Mohd. Iqbal accompanied with Mohd. Faiz who came to sell the robbed jewellery to him is yet to be recorded.

8. Being a material witness, I am of the view that at this stage if any concession is given to the accused, the same is fraught with danger of him either influencing the aforesaid witness or otherwise inducing or intimidating in any manner. Therefore, fairness of the trial is to be secured.

9. The application is accordingly disposed of with liberty to re-file it at a subsequent stage after the needful is done.



10. However, learned Trial Court is expected to not grant unnecessary adjournments for recording of the testimony of the aforesaid witness and likewise IO, who is present in the Court, shall ensure the presence of the said witness before the Trial Court on the next date of hearing.

ARUN MONGA, J

SEPTEMBER 22, 2025

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