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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 3492/2025

SUNIL KUMAR @ SUNIL PEHALVAN

.....Petitioner

Through: Mr. Pradeep Teotia, Mr. Amit Kumar
Dhaka and Mr. Lakshay Teotia,
Advocates.

Versus

STATE G.N.C.T OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP.
SI Abhimanyu Tomar, P.S. Karawal
Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.12.2025

1. This application under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Sections 438 and 482 of the Code of Criminal Procedure, 1973²) seeks pre-arrest bail in FIR No. 02/2025 dated 2nd January, 2025, registered at P.S. Karawal Nagar, Delhi, under Sections 308(4), 351 and 3(5) of the Bharatiya Nyaya Sanhita, 2023³.

2. The case of the prosecution is that the Complainant, after purchasing a plot in Karawal Nagar through two sale agreements in November and December 2024, began receiving threatening WhatsApp calls and messages from the Applicant. The Applicant allegedly claimed ownership over the land, demanded money to permit construction, and even sent his photograph

¹ "BNSS"

² "CrPC"



with other individuals to intimidate the Complainant. On 1st January 2025, the Applicant threatened to shoot the complainant and demanded INR 2 crore as protection money. Fearing for his life and liberty, the Complainant approached the police, on the basis of which the FIR was registered.

3. On 12th September, 2025, after hearing both the sides, the Court, while granting interim protection directed the Applicant to join investigation, in the following terms:

4. *The present application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 seeks pre-arrest bail in FIR No. 002/2025 under Sections 308(4)/351/3(5) of the Bharatiya Nyaya Sanhita, 2023 registered at P.S. Karawal Nagar.*

5. *Counsel for the Applicant submit that the offences alleged in the FIR attract a maximum punishment of only seven years. The Applicant contends that he has been falsely implicated, and that there is no material on record to*

implicate him. With regard to the State's objection regarding the Applicant's criminal antecedents, it is pointed out that, in all the cases referred to in the status report dated 23rd June, 2025, the Applicant is currently on bail and has not been convicted. Further, in response to the State's request for custodial interrogation, the Applicant's counsel states that the Applicant is willing and ready to cooperate with the investigation. The counsel further undertakes that the Applicant shall hand over the mobile phone alleged to have been used for issuing WhatsApp threats to the Complainant. Additionally, it is undertaken that no information will be deleted from the mobile phone, nor will there be any tampering with the device.

6. *In light of the foregoing, taking the undertaking of the Applicant on record, he is directed to appear before the Investigating Officer today itself at 04:00 PM.*

7. *Issue notice. Mr. Mukesh Kumar, APP for State, accepts notice.*

8. *Status report be filed on or before the next date of hearing, and a copy thereof be supplied to the opposite party.*

9. *Till the next date of hearing, no coercive shall be taken against the Applicant.*

10. *Re-notify on 15th October, 2025.*

4. Pursuant thereto, as recorded in the Status Report, the Applicant joined investigation. He was interrogated in detail regarding the allegations and the series of threatening communications attributed to him. The

³ "BNS"



Applicant produced the mobile phone stated to have been used during the relevant period, which, upon preliminary examination by the Investigating Officer, did not show any visible signs of tampering or deletion. However, in view of the seriousness of the allegations and to enable retrieval of any deleted or encrypted data, the device was seized and is proposed to be sent to the FSL for forensic analysis.

5. At this juncture, Mr. Aashneet Singh, APP for the State, on instructions from the Investigating Officer, confirms that custody of the Applicant is not required for any further interrogation.

6. The Supreme Court has repeatedly emphasized that the provision of pre-arrest bail, under Section 438 CrPC (corresponding to Section 482 BNSS), is rooted in Article 21 of the Constitution of India, which guarantees personal liberty. Section 438 CrPC (482 BNSS) aims at protecting the personal liberty of an individual, who, at the time of seeking pre-arrest bail, has not been convicted of the alleged offence and is entitled to the presumption of innocence.⁴

7. In view of the foregoing, the application is allowed. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;

⁴ *Gurbaksh Singh Sibbia & Ors. v. State of Punjab* (1980) 2 SCC 565; *Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors.* (2011) 1 SCC 694.



- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- 8. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
- 9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application 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.
- 10. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 4, 2025