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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3535/2025, CRL.M.A. 27719/2025 & CRL.M.A. 27720/2025**
SURAJ @ SAGARPetitioner

Through: Vishesh Wadhwa, Ms. Swadha Gupta
and Ms. Jasnoor Kaur Suri,
Advocates.

versus

STATE (NCT OF DELHI)Respondent
Through: Mr. Mukesh Kumar, APP for the
State along with SI Sachin Dhama, PS
Maurya Enclave.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **16.09.2025**

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 13/2021 registered under Sections 395/397 of the Indian Penal Code, 1860³ and under Sections 25/27/54/59 of the Arms Act, 1959⁴ at P.S. Maurya Enclave. A chargesheet has also been filed against the Applicant under Sections 395/397/412 IPC and Sections 25/27/54/59 of the Arms Act.

¹ "BNSS"

² "Cr.P.C."

³ "IPC"

⁴ "the Arms Act"



2. As per the prosecution, in the early hours of 14th January 2021, at approximately 04:00 AM, the Applicant, along with his associates, committed dacoity at the Reliance Jewellery Showroom situated in Pitampura, Delhi. It is alleged that the accused persons forcibly gained entry into the showroom by breaking open the shutter and glass door with the aid of an iron rod. The incident was purportedly captured on CCTV cameras, wherein the Applicant is allegedly seen sitting inside a Honda City car, which was utilized in the commission of the offence.

3. Counsel for the Applicant contends that the applicant has been falsely implicated. It is submitted that the investigation has been concluded and the chargesheet has already been filed. The applicant has been in judicial custody since 16th January 2021. However, till date, only three witnesses have been examined, despite the prosecution having cited more than 50 witnesses. Given the large number of witnesses, it is evident that the trial is likely to be protracted, and there is no foreseeable timeline for its conclusion. In such circumstances, continued incarceration of the applicant would amount to punitive detention. It is further submitted that the case against the Applicant is primarily based on the alleged disclosure statement of co-accused Shankar, and there is no other substantive evidence directly linking the Applicant to the incident in question.

4. On the other hand, Mr. Mukesh Kumar, APP for State, opposes the application and submits that the Applicant is a habitual offender, involved in more than 77 criminal cases. It is further argued, that approximately 149 grams of gold was recovered from the Applicant. The complainant has also identified the Applicant during the Judicial Test Identification Parade (TIP). He submits that given the Applicant's criminal antecedents, there is a



serious apprehension that if released on bail, he may indulge in similar offences and may also attempt to influence or threaten the prosecution witnesses.

5. The Court has considered the aforementioned contentions. It is noted that, at present, the trial is not progressing with sufficient expedition. However, considering the antecedents of the Applicant, who is stated to be involved in around 77 criminal cases, many of which pertain to serious offences, this Court is not inclined to grant bail at this stage. In addition, there is an alleged recovery of approximately 149 grams of gold from the Applicant and the Complainant has also identified the Applicant during the Judicial Test Identification Parade. Furthermore, at the instance of the Applicant, a *desi* pistol along with two live rounds was also recovered from his residence. Although, the probative value of such identification and recovery may be contested during trial, at this stage, both these aspects *prima facie* link the Applicant with the offence.

6. In view of the foregoing, the present application is dismissed. However, the Trial Court is requested to expedite the trial proceedings, keeping in view the current roster and the overall pendency of cases.

7. With the above directions, the application is disposed of.

8. 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.

SANJEEV NARULA, J

SEPTEMBER 16, 2025/MK