



\$~69

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

+ **CRL.M.C. 6686/2025**

VIPIN JAIN

.....Petitioner

Through: Dr. Swati Jindal Garg, Ms. Vartika
Sharma and Ms. Shrishti Makol,
Advocates.

versus

THE STATE THROUGH SHO ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with SI Vinay and HC Vinod, PS-
Keshav Puram.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.09.2025

%

1. The present petition under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439(2) of the Code of Criminal Procedure, 1973) assails the order dated 23rd May, 2025 passed by the Trial Court granting bail to the accused Vijay Kumar (Respondent No. 2) in FIR No. 767/2024, registered at P.S. Keshav Puram for offences punishable under Sections 305/331(4)/317(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.¹

2. The subject FIR was registered on a complaint made by the Petitioner alleging that on 29th December, 2024 an unknown person forcibly entered

¹ "BNS"



his house by breaking the outer gate, and stole cash, gold jewellery, silver, and his wife's personal documents. During investigation, Respondent No. 2 was arrested on 22nd March 2025 as an accused in the present case and was later charge-sheeted under Sections 305/331(4)/317(2)/3(5) of the BNS.

3. Dr. Swati Jindal, counsel for the Petitioner, assails the impugned order on merits. She submits that the Trial Court failed to consider the full spectrum of facts and circumstances before enlarging the accused on bail. According to her, the impugned order proceeds on a narrow premise, that further detention would serve no fruitful purpose, without appreciating that the offences alleged are grave. It is urged that less than ten percent of the stolen amount has been recovered to date, and that enlargement on bail carries a strong risk of Respondent No. 2 dissipating or concealing the remaining stolen articles, thereby frustrating the recovery process and undermining the administration of justice. She further contends that the release of Respondent No. 2 has a direct bearing on the safety and liberty of the Petitioner. Respondent No. 2 is employed with a neighbour in the same locality where the Petitioner previously resided; following the incident, she was compelled to vacate her residence and shift to rented accommodation to avoid proximity and intimidation. In these circumstances, she argues that the order enlarging Respondent No. 2 on bail suffers from non-application of mind and overlooks both the seriousness of the allegations and the potential threat to the victim's security.

4. The Court has considered the aforementioned contentions. It is noted that the accused was taken in the judicial custody on 22nd March, 2025 and thereafter, upon completion of investigation, a chargesheet was duly filed. The Trial Court, after noting these factors, deemed it fit to enlarge



Respondent No. 2 on bail.

5. At the outset, it is necessary to restate the settled principles governing cancellation of bail. The considerations relevant at the stage of initial grant of bail differ materially from those that justify its withdrawal. Once liberty has been conferred, it is not to be recalled lightly, save where supervening circumstances demonstrate that the accused's continued freedom would undermine a fair trial.² Such circumstances may arise, for instance, if the accused, when enlarged on bail, tampers with evidence, intimidates witnesses, or absconds. In *Dolat Ram v. State of Haryana*³, the Supreme Court underscored that cancellation of bail is an exceptional remedy, to be exercised sparingly and only on cogent grounds, not on the basis of mere apprehension or a reappraisal of material already considered. The distinction between refusal of bail and cancellation of bail is, therefore, both substantive and significant.

6. Turning then to the merits, the Petitioner urges two principal grounds: first, that only a fraction of the stolen property has been recovered and the release of Respondent No. 2 may frustrate further recovery or enable disposal of remaining articles; and second, that the Complainant's safety is imperilled because Respondent No. 2 resides and works in the vicinity of her former neighbourhood.

7. As to the first ground, it is settled that custody cannot be prolonged merely to ensure recovery of property or to act as a form of anticipatory punishment. The object of pre-trial detention is to secure the accused's presence and preserve the integrity of the trial, not to coerce recoveries. Bail

² *State (Delhi Admn.) v. Sanjay Gandhi*, (1978) 2 SCC 411.

³ (1995) 1 SCC 349.



must not be cancelled on tenuous considerations divorced from the core criteria of justice and fair trial. Here, the investigation has been completed, chargesheet filed, and no material is shown that further recovery depends upon Respondent No. 2's incarceration.

8. On the second, threat perception must rest on credible and demonstrable material. However, vague allegations of threat are insufficient to recall liberty once granted. No complaint of intimidation post-release, nor any incident suggesting witness interference, has been placed on record. The apprehension articulated is speculative rather than substantiated. Should any attempt at intimidation or tampering arise, remedies remain open to the Petitioner to seek modification or cancellation of bail at that stage.

9. The State has further stated that the probe has already been transferred to Spl. Staff North West, ACP Operation Cell a specialised unit.

10. In view of the above, there is no merit in the present petition and the same is dismissed.

SANJEEV NARULA, J

SEPTEMBER 18, 2025

nk