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

+ **BAIL APPLN. 3833/2024**

SANCHIT AGARWAL

.....Petitioner

Through: Mr. Bijendra Kumar Pathak,
Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.01.2025

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1. The Applicant is an eighteen-year-old student of Y.M.S. (P.G.) College, Mandi Dhanaura, Amroha, Uttar Pradesh, currently in the first year of his Bachelor of Business Administration Program. He has filed the present application under Section 438 of the Code of Criminal Procedure, 1973¹ and Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023² read with Section 482 of the CrPC and Section 528 of the BNSS for grant of anticipatory bail in FIR No. 87/2024 dated 04th April, 2024, registered at PS: Chitranjan Park, for the offence under Sections 356/379/34 of the Indian Penal Code, 1860.³

2. Mr. Mukesh Kumar, APP for the State, has handed over a copy of the

¹ "CrPC"

² "BNSS"



status report across the board and the same is taken on record. The case of the Prosecution, as per the said status report, is that the impugned FIR was registered pursuant to a complaint received from one Mr. Deba Dutt Sinha. In the complaint, it has been alleged that the Complainant and his wife were on their way to drop their child to school on a scooty, when two persons on a bike snatched his gold chain.

3. During the investigation, one of the accused, Taufik, was arrested by the Investigating Officer.⁴ Upon interrogation, Taufik revealed that he, along with his associate Nazakat, had committed the snatching on 4th April, 2024 near Setup Gym, C.R. Park. Nazakat, during his own interrogation, corroborated the same, admitting that he and Taufik had snatched the gold chain from the Complainant.

4. Further investigation revealed that this case was not a mere snatching incident, but indicated the involvement of a notorious gang of robbers and thieves operating in the NCR Delhi region, allegedly led by Nazakat. As a result, charges under Sections 401/413/414 of the IPC were added to the investigation.

5. It was further revealed that Taufik, Nazakat, and their accomplices used to snatch or rob gold chains, which were subsequently sold to goldsmiths in Meerut and Gajrola, Amroha, U.P. Mr. Rakesh Kumar, father of the Applicant, was also disclosed to be part of the cartel involved in disposing of the robbed/ snatched/ stolen gold articles.

6. Accordingly, notice was issued to the Applicant's father but he did not join the investigation, and instead filed an anticipatory bail application,

³ "IPC"

⁴ "IO"



which was dismissed. Subsequently, on 26th July, 2024, he surrendered before the Court of CJM, Southeast District.

7. During his police custody remand, recovery of gold in molten form was made from his residence. Upon interrogation, he revealed that his son, Sanchit Aggarwal (the Applicant), was also involved in the illicit practice of procuring snatched, robbed, or stolen gold chains and subsequently selling them after melting them into raw form. Additionally, financial transactions between the Applicant and co-accused Neha, the wife of Nazakat, were discovered. There was also evidence of telephonic communication between the Applicant, co-accused Ms. Praveen Mohammad, and other family members of Nazakat.

8. In light of these developments, Mr. Mukesh Kumar, APP for the State, strongly opposes the bail application. He contends that the financial transactions involving the Applicant, the recovery from the Applicant's father, and other evidence, all point to the Applicant's involvement in the criminal activities. Although the Applicant appeared before the Investigating Officer under interim protection granted by this Court, a search of his mobile phone revealed that relevant chat history had been deleted. The Applicant has repeatedly changed his statements, indicating the need for custodial interrogation to facilitate a thorough investigation, which may lead to the recovery of additional evidence and help uncover facts that have not yet been disclosed.

9. The Court has considered the aforesaid contentions. It is noted that a chargesheet and supplementary chargesheet have already been filed in the instant case. The Applicant is a young individual of impressionable age, and as of now, his involvement is primarily based on financial transactions



between him and the co-accused. It is also noted that the Applicant has cooperated with the investigation. In such circumstances, the Court is of the opinion that custodial interrogation should be avoided at this stage, as subjecting the Applicant to pre-trial detention would cause more harm than benefit.

10. Accordingly, having regard to the Applicant's age and the overall facts outlined above, in the event of the Applicant's arrest, he shall be admitted to bail. 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 ₹50,000/- with one surety 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;
- 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;

11. Needless to state, any observations concerning the merits of the case are solely for the purpose of deciding the question of grant of bail and shall not be construed as an expression of opinion on the merits of the case.

12. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.

13. With the foregoing directions, the present application is disposed of.



Pending application(s), if any, are disposed of as infructuous.

SANJEEV NARULA, J

JANUARY 16, 2025

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