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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **BAIL APPLN. 3683/2025 & CRL.M.A. 28826/2025,**
CRL.M.A. 28827/2025

HIMANSHU KHATRI@SAGAR
@LAMBHA

.....Applicant

Through: Ms. Dolly Sharma, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Deepak, PS Narela Ind.
Area.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

26.11.2025

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1. The present application is filed by the applicant seeking regular bail in FIR No. 629/2024 dated 09.07.2024, registered at Police Station Narela Industrial Area for the offences under Sections 309(4)/311/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Section 25 of the Arms Act, 1959.

2. The brief facts are that on 08.07.2024, a PCR Call was received regarding incident of robbery, whereafter, the police reached the spot of the incident.

3. Thereafter, the statement of the victim Mr. Hemant Kumar was recorded, wherein, he alleged that three persons had put him on gunpoint and robbed him for an amount of ₹1,75,000/-. Pursuant to the statement of the victim the police registered the present FIR.

4. It is alleged that raids were conducted, whereafter the applicant and the other accused persons had been arrested by the police. It is alleged that an amount of ₹30,000/-, Aadhar Card of



the victim and a country made pistol along with two live cartridges was recovered at their instance.

5. This Court by order dated 30.10.2025 had recorded the statement of the victim that he had mistakenly named the applicant to be the one who committed the alleged crime and thereby directed the police to verify the said aspect and file a Status Report.

6. The Status Report in compliance of the same is filed indicating that the statement of the victim was recorded by the Polce, wherein, he stated that the applicant belongs to the same native village and with the intervention of the respected family members a mutual settlement has been arrived between the parties, that all the amount owed by the applicant will be paid to the victim.

7. He further stated that he has no objection to the applicant being admitted on bail.

8. Even otherwise, Nominal Roll of the applicant indicates that the applicant has been in custody for more than 15 months. Chargesheet has already been filed in the present case and the investigation stands concluded.

9. Thus, even though the applicant is stated to be involved in other cases of similar nature, however, considering that the victim has no objection on the applicant being admitted on bail, the custody of the applicant is no longer required in the opinion of this Court.

10. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.



11. In view of the aforesaid factors, this Court is of the opinion that the applicant has made out a *prima facie* case for grant of bail.

12. The applicant is, therefore, directed to be released on bail (if not in custody in any other case) on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release to the concerned IO/SHO and he shall not change the address without informing the concerned IO/SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO and shall keep his mobile phone switched on at all times.

13. In the event of there being any FIR/DD entry / complaint lodged against the applicant; it would be open for the State to seek redressal by filing an application seeking cancellation of bail.

14. 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.

15. The present bail application is allowed in the aforementioned terms.

16. All pending applications, if any, also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 26, 2025

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