



\$~7

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

+ **BAIL APPLN. 3981/2025**

JOGINDER @ VIJAY

.....Petitioner

Through: Mr. Arun Sharma & Mr. Bishnu
Kumar, Advs

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

%

03.12.2025

1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 31/2025 registered at Police Station Mukherjee Nagar, Delhi, for the commission of offences punishable under Sections 305(a)/331(4)/317(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. Briefly stated, the facts of the present case are that on 12.01.2025, a PCR call vide DD No. 60A was received at Police Station Mukherjee Nagar regarding breaking of locks and theft at the property of the complainant. The concerned Investigating Officer (IO) had visited the spot pursuant to receipt of said call. It is stated that the list of stolen articles was provided by the complainant in writing to the IO on 13.01.2025, wherein it was alleged that about Rs.35 lakhs were stolen from his house. During investigation, all the seven accused persons, including the present applicant were arrested. Upon completion of investigation, chargesheet was filed before the concerned



Court and the case is presently at the stage of prosecution evidence.

3. The learned counsel appearing on behalf of the applicant argues that the applicant herein was arrested only the basis of the disclosure statement of co-accused Mahesh. It is stated that the CCTV footage if any does not show the presence of the applicant at the spot. It is also stated that the applicant has been in judicial custody for about 11 months, whereas all other co-accused persons have been granted bail. It is further argued that recovery has been planted on the applicant and therefore, he be granted bail.

4. The learned APP for the State, on the other hand, argues that an amount of Rs.2,52,450/- (out of stolen amount) and one Splendor Bike (purchased from stolen money) were recovered from the house of the applicant/accused. It is argued that the applicant is involved in more than 100 cases of similar nature and therefore, the present bail application be dismissed.

5. Nominal roll has been handed over in the Court today. The same is taken on record.

6. This Court has **heard** arguments addressed on behalf of applicant as well as the State and has perused the material available on record.

7. After hearing arguments and going through the case file, this Court is of the opinion that the applicant has been in judicial custody for about 11 months. Further, the co-accused persons Anuj @ Shiva, Nitin @ Pawan, Ravi Shankar and Abhinandan have already been granted regular bail. Insofar as the previous involvements of the present applicant are concerned, the said cases pertain to the years 1998 to 2004, and except being convicted in one case in the year 2012, the applicant stands either acquitted or discharged in majority of other the cases.



8. Considering the overall facts and circumstances of the case, and the fact that the present applicant/accused had been earlier granted interim bail for 10 days which he had not misused, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

9. Accordingly, the present bail application stands allowed and is disposed of.

10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 03, 2025/sk