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

+ **BAIL APPLN. 3983/2025 & CRL.M.A. 31042/2025**

BHUPINDER SINGHApplicant
Through: Mr. Saaket Jain, Ms.
Shivangi Anand and Mr.
Parth Taran Singh, Advs.

versus

STATE (NCT OF DELHI)Respondent
Through: Ms. Priyanka Dalal, APP
for the State with SI
Sachin, PS R.K. Puram.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **17.10.2025**

1. The present application is filed seeking pre-arrest bail in FIR No. 231/2025 dated 24.06.2025, registered at Police Station R.K. Puram for offences under Sections 309(6)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Briefly stated, the FIR was registered on a complaint made by one Ravi alleging that he was robbed of USD 18,900, four passports and his mobile phone by the accused persons – Gursewak Singh, Amanbir and the applicant under the false pretext of sending the complainant and his acquaintances to Australia. It is alleged that on 24.06.2025, all the four victims were called to the FRRO office, R K Puram. It is alleged that thereafter, on the pretext of getting some photocopies, co-accused Gursewak brought the complainant outside the FRRO office and forcibly made him sit in an auto where the applicant was already

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present. Thereafter the applicant and co-accused Gursewak physically assaulted the complainant, robbed him of the currency of USD 18,900, four passports and his mobile phone and thereafter pushed him out of the moving auto-rickshaw.

3. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that the applicant is not involved in the commission of the alleged offence and that no active role has been attributed to the applicant. He submits that one of the co-accused Amanbir Singh has already been enlarged on pre-arrest bail by the learned Trial Court by order dated 30.07.2025. He consequently prays that the applicant be granted pre-arrest bail on the ground of parity.

4. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. She submits that the applicant has not joined the investigation and has also been declared an absconder under Section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by order dated 14.10.2025. She submits that the allegations against the applicant are serious in nature. She submits that the applicant and co-accused Gursewak, in addition to committing the robbery, had also given beatings to the complainant and had thrown him out of the running auto. She submits that the applicant and co-accused Gursewak were also seen in the CCTV footage tracking the movement of the alleged vehicle. She submits that the custodial interrogation of the applicant is necessary for the recovery of two of the robbed passports as well as other items.

5. I have heard the counsel and perused the record.



6. It is to be kept in mind that the investigation is currently at a nascent stage. The considerations governing the grant of pre-arrest bail are materially different than those to be considered while adjudicating application for grant of regular bail, as in the latter case, the accused is already under arrest and substantial investigation is carried out by the investigating agency.

7. It is trite law that the power to grant a pre-arrest bail is extraordinary in nature and is to be exercised sparingly. Thus, pre-arrest bail cannot be granted in a routine manner. The Hon'ble Apex Court, in the case of ***State of A.P. v. Bimal Krishna Kundu*** : (1997) 8 SCC 104, held as under:

“8. A three-Judge Bench of this Court has stated in Pokar Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)

“5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal.”

9. Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)

“The consideration which should weigh with the Court while dealing with a request for anticipatory bail need not be the same as for an application to release on bail after arrest.”

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12. We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account by the learned Single Judge. We



have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on “the career of millions of students”, learned Single Judge should not have persuaded himself to exercise the discretion which Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-arrest bail order.”

8. It is settled law that the custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of the BNSS [***State v. Anil Sharma : (1997) 7 SCC 187***]. Granting anticipatory bail to the applicant would undoubtedly impede further investigation. An order of bail cannot be granted in a routine manner so as to allow the applicant to use the same as a shield.

9. The learned counsel for the applicant has urged that one of the co-accused Amanbir has already been granted pre-arrest bail by the learned Trial Court by order dated 30.07.2025 and prays that the applicant be also granted pre-arrest bail on the ground of parity. A perusal of the order dated 30.07.2025 passed by the learned Trial Court thereby granting pre-arrest bail to co-accused Amanbir, indicates that the role attributed to the said co-accused was only that he was driving the auto in which the alleged incident took place. The learned Trial Court, while granting pre-arrest bail to the said co-accused noted that he was not one of the two main accused persons who had given beatings to the victim and had committed the robbery and had thrown the victim out of



the running auto.

10. As opposed to co-accused Amanbir, the allegations against the applicant are that the applicant alongwith co-accused Gursewak physically assaulted the complainant, robbed him of the currency of USD 18,900, four passports and his mobile phone and thereafter pushed him out of the moving auto-rickshaw. The applicant thus is not similarly placed as co-accused Amanbir who was granted pre-arrest bail by the learned Trial Court.

11. The learned Additional Public Prosecutor for the State has also pointed out that the applicant was seen in the CCTV footage tracking the movement of the alleged vehicle.

12. Considering the allegations against the applicant, it cannot be held at this stage that the investigation is being carried out with the intention to injure or humiliate the applicant. *Prima facie*, the facts do not indicate false implication of the applicant. Granting pre-arrest bail to the applicant would undoubtedly impede the investigation.

13. It is also pointed out that the applicant has also been declared as a proclaimed offender by order dated 14.10.2025 under Section 84 of the BNSS. The Hon'ble Apex Court in ***State of M.P. v. Pradeep Sharma : (2014) 2 SCC 171*** has specifically observed as under:

“16. Recently, in Lavesb v. State (NCT of Delhi) [(2012) 8 SCC 730 : (2012) 3 SCC (Cri) 1040] , this Court (of which both of us were parties) considered the scope of granting relief under Section 438 vis-à-vis a person who was declared as an absconder or proclaimed offender in terms of Section 82 of the Code. In para 12, this Court held as under : (SCC p. 733)

“12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and was declared as ‘absconder’. Normally, when the accused is



‘absconding’ and declared as a ‘proclaimed offender’, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail.”

It is clear from the above decision that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail.”

(emphasis supplied)

14. Considering the gravity of the offence and the manner in which it was allegedly committed, this Court does not consider it apposite to allow the present application. The present application is accordingly dismissed. Pending application also stands disposed of.

15. It is clarified that any observations made in the present order are only 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.

AMIT MAHAJAN, J

OCTOBER 17, 2025

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