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

+ **BAIL APPLN. 4170/2024**

NARENDER@SUNNY

.....Petitioner

Through: Mr. I. P. Singh, Mr. Hemant Sharma
and Mr. Upendra Yadav, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP with Mr.
Arsalan Naik and Mr. Sunil Singh
Rawat, Advocates.
SI Girish Baalyan, PS: Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.10.2025

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1. The present application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of
Criminal Procedure, 1973²) seeks regular bail in proceedings arising from
FIR No. 209/2017 registered under Sections 380/392/397/34 of the Indian
Penal Code, 1860³ at P.S. Karol Bagh.

2. Briefly stated, the case of the prosecution is as follows:

2.1. The instant FIR was registered on the complaint of Ms. Megha
Khandelwal (Complainant). She alleged that on the day of the incident,
seven persons, including the Applicant who allegedly impersonated a police

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



officer, entered her residence, threatened her family at gunpoint, tied her mother-in-law, and restrained her. The assailants then forcibly took jewellery and a mobile phone from the house before fleeing.

2.2. During investigation, it was revealed that three of the accused, including the Applicant, were arrested, in another FIR No. 131/2017 under Section 25 Arms Act, PS Crime Branch On 7th August, 2017. They were formally arrested in the present case on 17th August, 2017.

2.3. Thereafter, the Complainant and her mother-in-law identified the Applicant as one of the dacoits and specifically as the person impersonating a police officer. Upon his arrest, a police uniform, a country-made pistol, and other paraphernalia were recovered from him. Upon completion of investigation, the Applicant was charge-sheeted under Sections 380/392/395/397/482/419/120-B/34 of IPC.

3. Counsel for the Applicant submits that he has been falsely implicated in the present case. Investigation is complete and chargesheet stands filed. Further, all the material witnesses have been examined. Therefore, the possibility of witness tampering stands mitigated. Further, eye-witness, Heera Singh (PW-4), the security guard, has not supported the prosecution's case. The Applicant has been in custody for over four years and continued detention at this stage would be punitive rather than preventive. Counsel also relies on the principle of parity, noting that three of the other co-accused have already been granted bail by the Trial Court, and the Applicant is entitled to similar relief. Further, Applicant is the sole bread earner in the family with aged parents, and two minor children to look after.

4. *Per Contra*, Mr. Mukesh Kumar, APP for the State, opposes the bail application and submits that the Complainant has already identified the



Applicant during trial and therefore, there is sufficient evidence on record to implicate him. He further points out that while on interim bail, the Applicant failed to surrender on time and was later arrested in DD No. 150A under Section 41(1)(C) of Cr.P.C. at PS Crime Branch on 31st May, 2024, indicating a risk of absconding. The Applicant's role is graver, as he impersonated a police officer to commit the offence, and therefore, the principle of parity cannot be invoked in his favour.

5. The Court has considered the aforementioned contentions. The investigation stands completed and the chargesheet has been filed. The trial is at an advanced stage and the Complainant has been examined. As per the Nominal Roll, the Applicant has been in custody for over four years and his jail conduct over the last one year has been reported as satisfactory.

6. It is noted that although the Applicant did not surrender within the stipulated period after being released on interim bail, more than 1.5 years have now passed since his arrest.

7. Three other co-accused in the case have been granted bail. Although the principle of parity may not be strictly applicable considering the role of the Applicant, however, with the chargesheet filed and material witnesses examined, the need for continued incarceration on this ground no longer survives. The precise nature and gravity of the Applicant's role remains a matter for determination during trial.

8. The apprehensions expressed by the State regarding the possibility of the Applicant absconding or interfering with ongoing proceedings can be adequately addressed by imposing suitable and stringent conditions at the time of granting bail.



9. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴ Having regard to the Applicant's period of incarceration, the completion of investigation, and the financial circumstances of his family, the Court finds it appropriate to allow the present application.

10. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. 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;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- g. The Applicant shall report to the concerned PS on first Friday of every month;
11. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
12. 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.
13. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

OCTOBER 16, 2025

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