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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: December 12, 2025+ **BAIL APPLN. 4829/2025 & CRL.M.A. 37121/2025,
CRL.M.A. 37122/2025, CRL.M.A. 37123/2025**

ARIF

.....Applicant

Through: Mr. Aumkar Mishra and
Mr. Shivansh Bhatt, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP
for the State with SI
Madhuri, PS Pul
Prahladpur.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present application is filed seeking regular bail in FIR No. 394/2023 dated 26.11.2023, registered at Police Station Pul Prahlad Pur, for offences under Sections 394/397/34 of the Indian Penal Code, 1860 ('IPC').
2. Briefly stated, it is the case of the prosecution that on 25.11.2023, when the complainant had gone to the Ghiyasuddin Tomb with his friend-Gunjan for sightseeing, the accused persons cornered them and started threatening them with demands of phone and money. Allegedly, the accused persons forcibly snatched the complainant's mobile by attacking with some sharp object. The incident led to registration of the subject



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FIR, whereafter, the applicant came to be arrested on 26.11.2023 on the basis of secret information and purported disclosures of co-accused persons.

3. By order dated 01.06.2024, the applicant was admitted on bail by the learned Trial Court after considering that the applicant had spent considerable time in custody, he is young and he has no previous involvements. It was also noted that all public witnesses have been examined and there was no chance of the applicant influencing the remaining formal witnesses.

4. Subsequently, when the applicant did not appear before the learned Trial Court on 19.05.2025, NBWs were issued against him for 15.07.2025, which came back unserved and the proceedings under Section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 82 of the Code of Criminal Procedure, 2023 were initiated against the applicant. Pursuant to the same, on 30.08.2025, the applicant moved an application for recalling of the proclamation proceedings, however, the same was dismissed and the applicant was taken into custody.

5. It is the case of the applicant that his non-appearance was on account of harassment by one Beat Constable on 17.04.2025. It is submitted that the applicant, who is 22 years old, had no intention to evade the trial and he had only left Delhi on account of the torture at the hands of the said Beat Constable.

6. It is stressed that the applicant cannot be subjected to spend the duration of trial in custody by barring him from the relief of bail due to the proclamation proceedings.



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7. *Per contra*, the learned Additional Public Prosecutor for the State has opposed the grant of bail to the applicant by pointing out that his application for cancellation of proclamation proceedings was dismissed on account of absence of any document to evidence torture by the concerned Constable.

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

9. Undisputably, there is no change in the compelling circumstances which led the learned Trial Court to grant bail to the applicant.

10. Although initiation of proclamation proceedings raise certain doubt in relation to the accused being a flight risk, pertinently, there is no absolute bar against grant of relief to an accused in such circumstances. Having already spent considerable time in custody, the applicant cannot be relegated to suffer incarceration for the entire duration of trial due to the same.

11. While this Court does not consider it apposite to delve into the viability of the explanation tendered by the applicant for his non-appearance at this juncture, it is imperative to note that the proclamation proceedings were only warranted after an year of the applicant being released and he himself appeared before the learned Trial Court on 30.08.2025. The applicant after being re-arrested has also spent further considerable time in custody.

12. In such circumstances, this Court is persuaded that the applicant is entitled to grant of bail. However, as an abundant caution, this Court considers it apposite to impose certain



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conditions on the applicant to allay any apprehension of him evading trial.

13. 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 ₹25,000/- 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, after his release, mark his presence before the concerned IO once every 15 days;
- e. The applicant shall provide the address where he would be residing after his release to the concerned IO/SHO and shall not change the address without informing the concerned IO/SHO;
- f. 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.

14. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the respondent



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to seek redressal by filing an application seeking cancellation of bail.

15. 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.

16. The bail application is allowed in the aforementioned terms. Pending applications also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 12, 2025

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