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

+ BAIL APPLN. 1060/2025, CRL.M.A. 6466/2026-Addl.doc. by applicant. & CRL.M.A. 6467/2026-Exp

PANKAJ @ LALLU

.....Applicant

Through: Mr. Sumar Singh Bopara, Mr. Surya Pratap Singh, Mr. Shubham Raj Anand and Mr. Abhilash Kr. Pathak, Advs.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Raghuinder Verma, APP for the State with Ms. Upasna Bakshi and Mr. Gourav Singh, Advs.
Mohd. Naseem Khan, Mr. Fahad Siddiqui and Mr. Javed Khan, Advs. for complainant
Mr. Sarthak Karol, Ms. Neelakshi Bhadhauria and Ms. Tanishka Pawar, Advs. for R-2
SI-Shamshev Sigh, PS: Pul Prahladpur

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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23.04.2026

1. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.84/2023 registered under *Sections 398/302/34* of the Indian Penal Code, 1860 (**IPC**) and *Sections 25/27/54/59* of the Arms Act, 1959 at PS: Pul Prahladpur.
2. *Succinctly put*, as per prosecution, upon receipt of information the police reached the spot and found the deceased lying dead after sustaining



a gunshot injury. Thereafter, while the police were carrying on with the inspection and due formalities, the complainant arrived at the spot and stated that two co-accused persons, namely Aman and Auqab Reza @ Raja attempted to stop his scooty with the intent to rob him, however, as he managed to escape, one of them took out the pistol and fired a shot at him, which instead struck the deceased, resulting in his death. Consequently, on the basis of the aforesaid statement, the present FIR came to be registered.

3. During investigation, based on the secret information, co-accused Aman and one Sachin were apprehended, who in their disclosure statement disclosed that Md. Aquab Rez @ Raja had fired the shot, which led to the death of the deceased. Subsequently Md. Aquab Rez @ Raja was arrested. The disclosure statements of the said accused persons revealed that the present applicant had provided information about the complainant and had hatched a conspiracy to rob him. Pursuant thereto, the applicant was arrested on 28.02.2023.

4. In these facts, learned counsel for the applicant seeking regular bail for the applicant submits that **[i]** the entire case against the applicant is purely circumstantial based upon CDRs, disclosure statement of the co-accused person and CCTV footage of the shop of the applicant, which are either inadmissible or suffer from infirmities; **[ii]** the alleged role of the applicant is conspiratorial in nature as he was neither present at the place of occurrence nor involved in the execution of the robbery; **[iii]** even *prima facie*, the alleged conspiracy, if any, could at best relate to robbery and not for murder, as the applicant neither shared any common intention nor had knowledge of the alleged act of firing; **[iv]** the applicant is in



custody since 28.02.2023 and investigation *qua* him stands concluded with chargesheet having been filed; [v] as per Nominal Roll, the overall conduct of the applicant is '*satisfactory*' and he has always complied with all the conditions when released on bail; and lastly [vi] there are as many as *thirty-one* prosecution witnesses of which, only *three* have been examined till date and thus, it is very likely that conclusion of trial will take time. To buttress the aforesaid contentions, learned counsel for the applicant has placed reliance upon ***Zahir Haider Zaidi v. CBI : SLP (Crl.) No.2123/2018, Santosh Kumar Meena v. State of Rajasthan : (2024) SCC Online SC 2732, Rajnish @ Bantu v. State (NCT of Delhi) : SLP (Crl.) No.454/2025, Babubhai Bhimabhai Bokhiria & Anr. v. State of Gujarat & Ors. : (2014) 5 SCC 568, Shyam Gupta & Ors. v. State : 2023 SCC OnLine Del 1490, Lalit @ Piku v. State of GNCT of Delhi & Anr. : Bail Appln. 3401/2024, Yedala Subha Rao & Anr. v. Union of India : (2023) 6 SCC 65, Surrender Singh & Anr. v. State of Uttarakhand : 2025 SCC OnLine SC 176 and Gadhadar Chandra v. State of WB : (2022) 6 SCC 576.***

5. *Per contra*, learned APP for the State opposing the present bail application submits that [i] the allegations against the applicant are serious in nature inasmuch as the applicant herein is the main conspirator who supplied crucial information about the complainant to other co-accused; [ii] the CDR demonstrates that petitioner was in active telephonic co-ordination with other co-accused till the culmination of the conspiracy; [iii] the family of the applicant resides in the nearby vicinity; and lastly [iv] one more FIR bearing no. 311/2018 under *Sections 354(B)/506/34* of the IPC is also pending against the applicant.



6. Learned counsel for the respondent no.2/ complainant has handed over a copy of the written synopsis, which is taken on record. Relying thereon and in addition to the submission made by the learned APP for the State he submits that **[i]** mere absence of the applicant from the scene does not absolve him since a conspirator is equally liable for all acts done in furtherance of the conspiracy; **[ii]** the CDR of the applicant shows that the applicant called the co-accused Aman on 13.02.2023 at 10:51AM informing about the complainant which was the trigger call for the robbery attempt, and which ultimately led to the death of innocent bystander.

7. Heard learned counsel for the parties and perused the records.

8. Considering the overall facts and circumstances of the case, particularly, that the case of the prosecution against the applicant is based upon circumstantial evidence such as disclosure statements of the co-accused persons, CDRs and CCTV footage of the applicant's shop. There is no denial that the applicant was *admittedly* not present at the alleged place of occurrence. The role of the applicant is, at best, of a conspirator along with the other co-accused. As per learned counsel for the parties, the trial is at a nascent stage as only *three* out of *thirty one* witnesses have been examined till date. As per the Nominal Roll, the applicant has already undergone more than *three years* of custody, with overall '*Satisfactory*' conduct.

9. Accordingly, this Court is of the considered opinion that no useful purpose would be served by keeping the applicant in custody anymore.

10. As such, the present application is allowed. The applicant be thus released on regular bail in proceedings arising out of in FIR No.84/2023 registered under *Sections 398/302/34* of the Indian Penal Code, 1860 and



Sections 25/27/54/59 of the Arms Act, 1959 at PS: Pul Prahladpur, upon his furnishing a personal bond in the sum of Rs.25,000/- [*Rupees Twenty Five Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Jail Superintendent, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.
- ii. Applicant shall surrender his passport, if any, to the IO, within a period of *three days*.
- iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
- iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not be switch off or change the mobile number without prior intimation to the IO concerned. Mobile location be kept on at all times.
- v. Applicant shall report to the IO at PS: Pul Prahladpur once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
- vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.



11. The present application, along with pending applications, if any, is disposed of.
12. Needless to say, the expression of opinion herein, if any, will have no bearing on the overall merits/ trial involved later.
13. Copy of this order be sent to the concerned Jail Superintendent for information and compliance.

SAURABH BANERJEE, J

APRIL 23, 2026/Ab