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

\# **CNR No. DLHC010447512026**

\+ BAIL APPLN. 3941/2026

FAEEM ALIAS FAHIM ALIAS CHIKNA .....Petitioner

Through: Mr. Vikas Singh Gachli, Advocate.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Tarang Srivastav, APP for the State with Mr. Abhay Sahni, Advocate along with SI Sudhir Rathi, PS Gulabi Bagh.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 28.10.2026

1. The Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], in FIR No. 175/2025 dated 19th June, 2025, registered under Sections 304(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"] at P.S. Gulabi Bagh. Pursuant to the investigation, a chargesheet was filed, adding the offence under Section 309(4) BNS.

2. The prosecution case arises from an incident on 19th June, 2025, when the complainant, Pooja Duggal, was taking her two children for tuition. It is alleged that a young man approached her in a street at Pratap Nagar, snatched the gold chain from her neck and fled on a scooter driven by an accomplice. The prosecution relies on CCTV footage that allegedly shows the assailant obstructing the complainant's path and exhibiting a knife. Section 309(4) BNS was thereafter added. The Applicant was apprehended

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on 22nd June, 2025 and was subsequently identified by the complainant in a Test Identification Parade ["TIP"] conducted on 2nd July, 2025. A white-coloured *gamcha* was allegedly recovered from his possession. Neither the stolen chain nor the knife has been recovered.

3. Mr. Vikas Singh Gachli, counsel for the Applicant, submits that the prosecution case suffers from infirmities. He contends that the complainant did not mention the use of a knife in either her initial complaint or her subsequent 180 BNSS statement and failed to identify the Applicant during trial. He challenges the identification through Facial Recognition Technique ["FRT"], pointing out that the original Digital Video Recorder ["DVR"] was not seized, the IO's personal mobile phone used to capture images of the CCTV screen was not seized, and the CCTV footage was not subjected to forensic examination. Mr. Gachli also relies on PW-4's testimony regarding the Applicant's apprehension at Roorkee without preparation of an arrest memo at the spot or obtaining transit remand. He further relies on the filing of the chargesheet, the examination of material witnesses, the non-recovery of the stolen chain and alleged knife, and the Applicant's custody of over sixteen months.

4. Mr. Tarang Srivastav, APP for the State, opposes the application, relying on the CCTV footage allegedly capturing the Applicant's participation in the incident, the complainant's identification of the Applicant during the TIP, and his previous involvement in several criminal cases, including cases involving similar offences.

5. The Applicant's earlier bail application was dismissed by the Sessions Court on 22nd May 2026. The order expressly considered the complainant's failure to identify the Applicant in court and the objections concerning the

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CCTV evidence. It also recorded the submission that neither the stolen gold chain nor the alleged knife had been recovered. These circumstances had arisen before the earlier bail application was decided and cannot, therefore, be treated as subsequent developments, although they remain relevant to the present assessment. The subsequent testimony of PW-4, particularly regarding the manner of the Applicant's apprehension and the non-recovery of the stolen chain and alleged weapon, has also been considered.

6. The difficulties in the prosecution evidence cannot be overlooked. The complainant's failure to identify the Applicant during trial is a material circumstance in his favour. Identification in a TIP is not substantive evidence and cannot, by itself, replace identification before the Court. However, the prosecution does not rely solely on the TIP. It also relies on CCTV footage allegedly depicting the occurrence, the identification of the Applicant through FRT, and the *gamcha* allegedly recovered from him. Whether this material, considered cumulatively, sufficiently establishes the Applicant's involvement is a matter for trial. The complainant's failure to identify the Applicant is significant, but it does not, at this stage, justify disregarding the remaining prosecution material altogether.

7. The objections concerning the electronic evidence also merit consideration. PW-3 acknowledged that the original DVR and his personal mobile phone, which he used to photograph the CCTV screen, were not seized. The footage supplied on a pen drive was not subjected to forensic examination. These circumstances raise questions concerning the integrity and reliability of the electronic evidence. The prosecution, however, relies on the pen drive supplied by PW-2 and the accompanying certificate under Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023 ["BSA"]. The

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admissibility and probative value of this material must be determined upon examination of the evidence. Similarly, although the initial complaint does not mention the use of a knife, the prosecution relies on the CCTV footage in support of its case that a knife was used during the incident. The omission in the complaint and the non-recovery of the alleged knife will have to be weighed against the evidence ultimately proved. It would be premature to return a conclusive finding on these disputed issues at the stage of bail.

8. The Applicant's previous involvements are a relevant consideration. The State has referred to 43 antecedents. The computer-generated report relied upon for this figure does not, however, reliably establish the present status of every case, and several entries require verification. The Nominal Roll as on 21st October, 2026 independently records nine pending criminal cases against the Applicant. These include cases under Sections 392/397 IPC, 392/394 IPC, 392/506 IPC, 307 IPC and the Arms Act, as well as cases registered under Section 309 BNS in 2024 and 2025. Several of these cases concern allegations of robbery or similar offences against property.

9. Criminal antecedents do not establish guilt, nor can the mere registration of multiple FIRs furnish an independent ground for refusing bail. Their relevance lies in the nature of the allegations, their recurrence and the risk associated with release. In ***Neeru Yadav v. State of U.P. & Anr.***[1], the Supreme Court emphasised that the court must exercise its discretion cautiously and consider, *inter alia*, whether there is a likelihood of the offence being repeated. The Court also observed that the number and nature of crimes registered against an accused speak voluminously about his antecedents. Needless to state, these considerations must, however, be

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assessed alongside the other circumstances of a case. Here, the number and character of the pending cases, several involving allegations substantially similar to the present offence, give rise to a legitimate concern regarding the possibility of repetition of such conduct if the Applicant is released.

10. The period of custody undergone by the Applicant, his satisfactory jail conduct and the examination of material witnesses have also been considered. However, these circumstances do not sufficiently outweigh the concerns arising from the nature of the present accusation and the Applicant's criminal antecedents. On an overall assessment, this Court is not persuaded that the risk of similar conduct recurring can be adequately addressed through the imposition of bail conditions.

11. Accordingly, the application is dismissed.

12. The observations made in this order are confined to the consideration of present bail application and shall not influence the Trial Court in its independent appreciation of the evidence.

SANJEEV NARULA, J

OCTOBER 28, 2026/ab

[1] (2014) 16 SCC 508.

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