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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Reserved on: 11.05.2026******Pronounced on: 29.05.2026******Uploaded on: 29.05.2026***

+ BAIL APPLN. 3926/2025 & CRL.M.A. 30591/2025

RUKHSAR

.....Petitioner

Through: Mr. Rishipal Singh, Mr. Dinesh
Kumar, Ms. Radha Rani,
Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP.
Mr. Banka Bihari Panda, Advocate
for the complainant.**CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****J U D G M E N T**

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks anticipatory bail in connection with FIR No. 472/2025 dated 25.08.2025, registered at Police Station Aman Vihar, District Rohini, Delhi, for the offences punishable under Sections 305(a)/331(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].

2. By order dated 14.10.2025, this Court granted interim protection to the applicant, upon the submission of learned counsel for both sides, that the parties were willing to explore the possibility of an amicable settlement. The parties were, accordingly, referred to mediation. However, the mediation report dated 07.01.2026 records that the



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mediation proceedings were closed as “*Not-Settled*”.

3. In view thereof, I have heard Mr. Rishipal Singh, learned counsel for the applicant; Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State; and Mr. Banka Bihari Panda, learned counsel for the complainant. The prosecution has also filed a status report dated 05.05.2026, which is on record.

A. PROSECUTION CASE

4. The prosecution case, as emerging from the material on record, is as follows:

- a. The FIR was registered on the complaint of Ms. Shahna Begum, who stated that her husband passed away on 23.08.2025, at Sanjay Gandhi Hospital. Upon returning to her house [House No. A-100, Hari Enclave 1st, near Hari Hospital, Delhi] from the said hospital, she found the locks of the main gate of her house, and her almirah, broken. She alleged that several jewellery articles, cash amounting to Rs. 6,50,000/-, and certain property documents were missing.
- b. The complainant expressed suspicion against her step-son, Firoj; her step-daughter, Rukhsar [the applicant herein]; and certain other relatives, alleging their involvement in the theft.
- c. During the course of investigation, Firoj was summoned. Pursuant thereto, he appeared at the Police Station alongwith certain stolen articles, which were identified by the complainant as belonging to her. However, she stated that the recovered articles were incomplete.
- d. Firoj was thereafter arrested on 26.08.2025. During interrogation, he confessed to having committed the theft, pursuant to which



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photocopies and certain original documents belonging to the complainant were recovered at his instance.

- e. Analysis of the CCTV footage installed near the spot revealed that the applicant, alongwith her brother, Firoj, and certain other persons, was seen breaking the lock of the iron gate of the staircase and entering the house. Subsequently, the applicant was seen exiting the premises after approximately 30 minutes, carrying a white plastic bag.
- f. The applicant's applications for anticipatory bail were dismissed by the learned Sessions Court *vide* orders dated 02.09.2025 and 23.09.2025, *inter alia*, on the ground that the applicant is clearly visible in the CCTV footage, carrying a plastic bag out of the house.
- g. It is stated that the applicant deliberately avoided joining the investigation from the date of the incident until 14.10.2025. However, after this Court granted interim protection to her, by order dated 14.10.2025, she voluntarily joined the investigation on 13.01.2026. It is contended that she failed to furnish any information regarding the remaining case property or the identities of the persons seen in the CCTV footage.
- h. Custodial interrogation of the applicant is stated to be necessary, inasmuch as cash amounting to Rs. 6,50,000/- and certain jewellery articles are yet to be recovered.

B. SUBMISSIONS BY LEARNED COUNSEL FOR THE PARTIES

- 5. In support of the present application, Mr. Singh submits that the



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applicant, alongwith her brother [co-accused Firoj], had visited the premises only to collect articles belonging to their late mother. He further submits that Firoj, against whom similar allegations have been levelled, has been enlarged on regular bail by the learned Sessions Court *vide* order dated 16.09.2025. He submits that the learned Sessions Court, while granting bail to Firoj, has also observed that the dispute between the parties is essentially civil in nature and pertains to the ownership of the alleged articles. A civil suit¹ has also been instituted at the instance of some family members of the applicant's late father ["the deceased"] against the applicant, the complainant herein, Firoj, and Salim Ahmad [applicant's brother], seeking partition of the properties forming part of the deceased's estate.

6. Mr. Singh further states that the applicant has cooperated with the investigation, and the articles in question are already in police custody, having been returned by Firoj during the course of investigation. He, therefore, submits that the applicant's custodial interrogation is not required.

7. Mr. Srivastava, on the other hand, submits that the applicant, alongwith Firoj and others, had forcibly broken into the house, as is evident from the photographs and the CCTV footage. He further submits that the applicant has not cooperated in the investigation, inasmuch as she has failed to disclose the names of the other persons who accompanied them, and cash amounting to Rs. 6,50,000/- and certain items of jewellery are yet to be recovered.

8. Mr. Panda submits that the accused persons, including the

¹ CS (OS) 104/2026: *Izhar Alam and Another v. Salim Ahmad and Others*.



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applicant, had unlawfully entered the premises, and that the incident took place on the second floor, which is in the possession of the complainant. He further contends that the stolen articles, particularly the jewellery belonging to the complainant, are in the possession of the applicant.

C. ANALYSIS

9. Insofar as the applicant's alleged involvement in the incident of trespass/house-breaking, including the breaking open of the lock of the main gate of the premises, is concerned, Mr. Srivastava accepts that the role attributed to the applicant is not distinguishable from that of Firoj, who has already been enlarged on regular bail by the learned Sessions Court. That order remains unchallenged.

10. As pointed out by Mr. Singh, disputes with regard to the title of the jewellery articles, which form the subject matter of the present FIR and are presently in the custody of the concerned Investigating Officer ["IO"], are pending adjudication in civil proceedings before this Court. It is also relevant to note that, by an order dated 09.03.2026 passed in CS (OS) 104/2026², this Court directed the parties to maintain *status quo* in respect of the suit properties.

11. Further, the applicant has joined the investigation pursuant to the interim protection granted by this Court. The allegation against her is one of non-cooperation, inasmuch as she has failed to disclose the names of the persons who allegedly trespassed into the complainant's house, and the cash amounting to Rs. 6,50,000/-, alongwith certain jewellery articles, is yet to be recovered. However, it is now well settled that an accused

² A copy of the said order was handed over in Court by Mr. Singh during the hearing held on 11.05.2026, and has been taken on record.



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cannot be compelled to make self-incriminatory statements, and the failure to do so cannot be construed as lack of cooperation with the investigating agency. Reference in this connection can be made to the orders of the Supreme Court *inter alia* in *Bijender v. State of Haryana*³, *Hemant Kumar v. State of Haryana*⁴, and *Vinay Kumar Gupta v. State of Madhya Pradesh*⁵.

12. It is also not disputed that the applicant has no previous criminal antecedents.

13. Having considered the material placed on record, I am not persuaded that the applicant is required to be subjected to custodial interrogation at this stage, particularly having regard to the fact that similarly placed co-accused, Firoj, is already on bail.

D. CONCLUSION

14. In view of the aforesaid, it is directed that, in the event of arrest in connection with FIR No. 472/2025 dated 25.08.2025, registered at Police Station Aman Vihar, District Rohini, Delhi, for the offences punishable under Sections 305(a)/331(3)/3(5) of the BNS, the applicant be released on bail, upon furnishing a personal bond in the sum of Rs.20,000/-, with one surety in the like amount, subject to the satisfaction of the concerned IO/Station House Officer [“SHO”], and subject to the following further conditions:

- a. The applicant shall report to the IO, as and when required, and will cooperate with the investigation.
- b. The applicant shall furnish her residential address to the concerned

³ SLP (CRL.) 1079/2024, decided on 06.03.2024.

⁴ SLP (CRL.) 232/2024, decided on 06.03.2024.



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IO/SHO, and shall not change the address without informing the IO/SHO.

- c. The applicant shall furnish her mobile number to the concerned IO/SHO, and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO/SHO.
- d. The applicant shall not, directly or indirectly, attempt to contact the complainant, or tamper with the evidence, or otherwise indulge in any act or omission that is prejudicial to the proceedings, nor shall she offer any inducement, threat, or promise to any person acquainted with the facts of the case.
- e. The applicant shall not commit any offence during the pendency of these proceedings.

15. The bail application, alongwith pending application, is disposed of in terms of the above.

16. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

MAY 29, 2026/KA/

⁵ SLP (CRL.) 20215/2025, decided on 16.02.2026.