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

+ **BAIL APPLN. 4302/2024**

LUCKY

.....Petitioner

Through: Mr. Shivender K. Sharma, Mr.
Urooj Chaudhary and Ms. Esha
Sharma, Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Tarang Srivastava, APP for the
State alongwith SI Yogesh Kumar,
P.S.-Gulabi Bagh
Mr. A.K.Jha, Advocate for the
complainant (VC)

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

07.01.2026

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1. The present application has been filed seeking anticipatory bail in connection with FIR No. 171/2024 dated 12.07.2024, registered at P.S. Gulabi Bagh, for alleged offences under Sections 331(6), 310(2), 311 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], and Sections 25 and 27 of the Arms Act, 1959.

2. I have heard Mr. Shivender K. Sharma, learned counsel for the applicant, Mr. Tarang Srivastava, learned Additional Public Prosecutor ["APP"] for the State, and Mr. A.K. Jha, learned counsel for the complainant.

3. By order dated 25.11.2024, the applicant was granted interim protection from coercive steps. It is not in dispute that, pursuant thereto,



the applicant has joined the investigation.

4. The State has filed a status report dated 21.02.2025. As per the said report, information regarding a dacoity at gunpoint at H.No. 18/473, Flat No. 301, 3rd Floor, Manvir Bhawan, Nai Basti, Kishan Ganj, Delhi, was received on 12.07.2024. The alleged dacoity was committed by multiple accused persons, and involves an amount of Rs. 4.08 crores.

5. The present applicant is stated to be the brother of one Mr. Dev Kumar, who is an accused in the aforesaid FIR. Mr. Dev Kumar is stated to have accepted his involvement in the dacoity, and disclosed that he received a sum of Rs. 55,00,000/- as his share. The specific allegation against the present applicant is that Mr. Dev Kumar allegedly handed over a sum of Rs. 3,00,000/- to him out of the said amount. The prosecution seeks to link the present applicant with the alleged offence primarily on the basis of phone calls and messages exchanged between the applicant and Mr. Dev Kumar, both prior to and subsequent to the alleged dacoity.

6. It is further stated in the status report that, although the applicant joined the investigation, he has not cooperated fully, as he has denied having received the said amount of Rs. 3,00,000/-. On this basis, custodial interrogation is sought for the purpose of recovery of the alleged amount.

7. Having considered the aforesaid submissions, I am of the view that, given the nature of allegations against the applicant, he is entitled to anticipatory bail. The allegation against him is confined to the alleged receipt of Rs. 3,00,000/- from his brother's share in the looted amount. His involvement is sought to be established solely on the basis of



telephonic communications with his brother. The contention that the applicant has not cooperated with the investigation rests merely on his denial of receipt of the money. It is well settled that cooperation in investigation does not extend to compelling an accused to make self-incriminatory statements. In this context, reference may be made to the decisions of the Supreme Court in *Bijender v. State of Haryana* [SLP (Crl.) No. 1079/2024; decided on 06.03.2024], and in *Hemant Kumar vs. State of Haryana* [SLP (Crl.) No. 232/2024; decided 06.03.2024].

8. It is also relevant to note that the main chargesheet has already been filed, in which the present applicant has not been arrayed as an accused. Mr. Srivastava submits that the prosecution proposes to file a supplementary chargesheet, if so warranted, in accordance with law.

9. In view of the aforesaid circumstances, the present application is disposed of with the direction that, in the event of arrest, the applicant shall be released on bail on furnishing a bail bond in the sum of Rs. 25,000/-, with one surety of the like amount, to the satisfaction of the concerned SHO, subject to the following conditions:

- a) The applicant shall join and cooperate with the investigation as and when directed by the Investigating Officer [“IO”];
- b) The applicant shall not leave the country without prior intimation to the concerned IO/SHO;
- c) The applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d) The applicant shall provide his mobile number to the concerned IO/SHO and shall keep the same operational at all times;



10. It is clarified that the observations made herein are only for the purpose of deciding the present bail application and shall not influence the merits of the case at any stage of trial.

11. Accordingly, the present bail application stands disposed of.

PRATEEK JALAN, J

JANUARY 7, 2026
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