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

+ **BAIL APPLN. 4197/2025**

MOHIT TIWARI

.....Petitioner

Through: Mr. Surendra Choudhary and Mr.
Gourav Rathi, Advs.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Manoj Kumar

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

10.02.2026

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1. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 0308/2024, registered at Police Station Kapashera, Delhi, for the commission of offences punishable under Sections 309(4)3(5)/311 of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Sections 25/27 of the Arms Act, 1959.

2. Briefly stated, the facts of the present case are that on 20.07.2024, a PCR call vide DD No. 31A was received regarding an alleged incident of robbery involving a cab driver. Pursuant thereto, the Investigating Officer along with other concerned Police officials had reached the spot, and met the complainant, Babli Chaudhary, whose statement was recorded. In his statement, the complainant alleged that on 20.07.2024 at about 08:30 AM, when he was working as a taxi driver had parked his taxi bearing No. RJ-02



TA-3216 (Swift Dzire) on the Dhaula Kuan–Gurugram road near a petrol pump, three unknown persons had approached him and hired the said vehicle for travelling towards Bijwasan. During the journey, it is alleged that one of the said persons had shared the destination location on his mobile phone, and the complainant had driven accordingly. Upon reaching the destination, the complainant was allegedly directed to drive further on a farm road. During the journey, the complainant noticed that a scooty was following his vehicle. It is further alleged that upon reaching the destination, all three boys started assaulting the complainant, and thereafter, the scooty rider arrived at the spot, took out a pistol-like weapon, and threatened the complainant to hand over his earnings. The complainant somehow managed to escape from the spot, leaving behind his taxi. Thereafter, the accused persons fled with the said vehicle. It is further alleged that the complainant took a lift from a passerby taxi and narrated the incident to its driver, pursuant to which they chased the robbed vehicle. During the chase, a herd of buffaloes came onto the road, due to which the accused persons allegedly abandoned the complainant's taxi and fled from the spot. On the basis of the complainant's statement, the present FIR came to be registered.

3. During the course of investigation, the complainant's taxi bearing registration No. RJ-02-TA-3216 (Swift Dzire) was taken into police possession, the spot was inspected through the Crime Team, and CCTV footage from Nasir Farm Road No. 54, Bijwasan, Delhi was collected and seized. On the basis of secret information, on 21.07.2024, co-accused Karan and Akash were apprehended while roaming on Scooty No. HR-26FJ-5918, which was alleged to have followed the complainant's taxi at the time of the incident. Upon cursory search, accused Karan was found in possession of a



country-made pistol and two live cartridges, and the clothes worn by him were found to match those worn during the commission of the offence. On 24.07.2024, the Test Identification Parade (TIP) of accused Karan and Akash was conducted, during which they were correctly identified by the complainant. However, despite efforts, the remaining accused, i.e. Mohit Tiwari (the present applicant) and co-accused Ritik, could not be traced and Non-Bailable Warrants (NBWs) were issued against them. Upon completion of investigation *qua* Karan and Akash, a charge-sheet was filed before the learned Court. During further investigation, on 16.10.2024, the present applicant Mohit Tiwari surrendered before the learned Trial Court. After obtaining permission, he was interrogated and arrested in the present case. On 18.10.2024, the TIP of the present applicant was conducted, wherein he was identified by the complainant. During police custody remand, the present applicant disclosed that the robbed Samsung mobile phone had initially been taken to Ritesh, who refused to purchase the same, and thereafter to Neeraj. Statements of both Ritesh and Neeraj were recorded, which corroborated the disclosure made by the present applicant. Neeraj stated that on the date of the incident, the present applicant along with co-accused Ritik had come to his house, and that Ritik was in possession of two mobile phones, including the looted Samsung phone. He further stated that thereafter, Ritik broke open the said mobile phone near Bijwasan U-Turn. Despite efforts, the robbed mobile phone could not be recovered. During further investigation, the recovered country-made pistol and live cartridges were sent to FSL, Rohini, which opined that the seized weapon was a firearm and the cartridges were live ammunition within the meaning of the Arms Act, 1959. Certified copies of CAF, CDRs, and cell tower location



records of the accused persons and the complainant were also collected. A supplementary charge-sheet against the present applicant was filed on 13.12.2024. Subsequently, on 03.02.2025, co-accused Ritik was declared a proclaimed offender, and Section 209 of BNS was added. A supplementary charge-sheet against Ritik (without arrest) was filed. The said co-accused continues to remain absconding.

4. The learned counsel appearing for the applicant/accused argues that the applicant has been falsely implicated in the present case and he has no criminal antecedents. It is further argued that the no recovery has been effected from his possession of the present applicant. It is stated that though the applicant was allegedly identified in the TIP, the complainant is yet to be examined before the Trial Court. It is also contended that the charge-sheet has already been filed and the trial is likely to take considerable time to conclude. It is argued that the applicant has been in judicial custody since 16.10.2024 and no purpose would be served by his continuous incarceration. Thus, it is prayed that the applicant/accused be released on regular bail.

5. On the other hand, the learned APP for the State strongly opposes the present bail application, and argues that the allegations against the applicant/accused are serious and grave in nature. It is contended that the role attributed to the applicant is an active one, and he is directly connected with the commission of the alleged offence. It is further argued that the charges are yet to be framed, and that the material prosecution witnesses, including the complainant, are yet to be examined, and that the release of applicant at this stage would prejudice the trial. In view of the seriousness of the allegations and the role attributed to the applicant, it is prayed that the applicant/accused be not granted bail.



6. This Court has **heard** arguments addressed by the learned counsel for the applicant as well as learned APP for the State, and has perused the material on record.

7. A perusal of the material on record shows that the prosecution case pertains to an incident of robbery committed against the complainant, a taxi driver, who was taken to an isolated place after the accused persons hired his taxi. During investigation, two co-accused, namely Karan and Akash, were apprehended, and a country-made pistol along with live cartridges was recovered from the possession of co-accused Karan. Both the said co-accused were identified by the complainant during the TIP. The present applicant Mohit Tiwari had subsequently surrendered before the Court, after NBWs had been issued against him. *As per the material found during investigation*, the applicant was one of the persons who had hired the complainant's taxi along with the co-accused persons, had accompanied him to the place of incident, and had participated in the commission of the robbery, pursuant to which the complainant was dispossessed of his taxi and mobile phone. During investigation, the applicant is stated to have made disclosures regarding the robbed mobile phone, and the statements of witnesses examined in this regard lend support to the prosecution case that efforts were made by the applicant and the co-accused to dispose of the said mobile phone after the incident.

8. This Court further notes that the applicant/accused has been identified by the complainant during the TIP, and the complainant, who is a material prosecution witness, is yet to be examined before the learned Trial Court.

9. This Court also takes note of the fact that one of the co-accused, namely Ritik, has been declared a proclaimed offender and continues to



remain absconding, with a supplementary charge-sheet having been filed against him without arrest. In these circumstances, this Court is of the view that there exists a reasonable apprehension that the release of the present applicant at this stage may impede the ongoing proceedings.

10. Considering the overall facts and circumstances of the present case, and for the reasons recorded hereinabove, this Court is not inclined to grant regular bail to the present applicant, at this stage.

11. Accordingly, the present application stands dismissed.

12. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 10, 2026/vc
GJ/RB