



2026:DHC:773



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

Reserved on: January 13, 2026
Pronounced on: January 31, 2026

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+ **BAIL APPLN. 4367/2025**

SHIVAM

.....Applicant

Through: Mr. Mohd. Suza Faisal, Adv.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms.
Upasna Bakshi, Adv.
SI-Pritam Singh and ASI-Sant Kumar

+ **BAIL APPLN. 4530/2025**

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CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present bail application(s) under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*BNSS*), the applicant seeks grant of a regular bail in proceedings arising from e-FIR No.80051276/2025 dated

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27.05.2025 in BAIL APPLN. 4367/2025 and FIR No.21/2025 dated 01.07.2025 in BAIL APPLN. 4530/2025 registered under *Section(s) 303(2), 317(2) & 3(5)* of the Bharatiya Nyaya Sanhita (**BNS**) as also *Section(s) 67, 74 & 78* of the Metro Railways (Operation and Maintenance) Act, 2002 at PS.: Metro Police Station (Netaji Subhash Palace), Delhi.

2. As per facts, the said FIR(s) were registered following an incident on the intervening night of 29/30.06.2025 involving the theft of approximately 32.5 meters of 33KV 1C, 400sq mm CU (copper) cable between the Mast no.08/49 to 08/51, which was reported by Traction Power Control (TPC) Line-7 at approximately 02:51 A.M. The applicant, after his arrest has since remained in judicial custody.

3. This Court called for the Status Report as also requisitioned the Nominal roll.

4. Mohd. Suza Faisal, learned counsel for the applicant submitted that the applicant works as a Swiggy delivery boy, and his entire family is dependent on him as he is the primary bread winner in his family. The learned counsel also submitted that the applicant has been in judicial custody since his arrest and the investigation is substantially complete, and continued incarceration pending trial infringes the applicant's right to personal liberty as guaranteed under *Article 21* of the Constitution of India.

5. *Per contra*, Mr. Satish Kumar, learned APP for the State opposed grant of bail as 32.5 meters of copper wire was recovered from the applicant after he was caught red-handed along with co-accused Sameer @ Choocha and another unknown person on 30.07.2025 outside Herbal Park, Punjabi Bagh,

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Delhi, however, another co-accused Nitish has not been arrested yet. The learned counsel further submitted that the applicant is a habitual offender with significant criminal antecedents, being involved in at least *six* other FIR's register at PS.: Shastri Park, Delhi.

6. This Court has heard the learned counsel for the applicant and the learned APP for the State and perused the documents on record including the Status Report.

7. The issues involved are such that the Metro Railways (Operation and Maintenance) Act, 2002 are also to be taken into consideration along with the BNSS. The parameters therein for granting bail require this Court to be watchful and tread with care and caution.

8. The applicant is a not a fly by night operator but a habitual offender who has since been active with the very same offences in the recent past. The offence alleged to have been committed by the applicant herein has multifarious effects on the Society at large, more so, since the applicant has put the life and limb of one and all in utter danger. As the applicant is not guilty of some foolhardy antics, he has no doubt caused immense loss(es) to the public exchequer. All of the above cannot not be ignored. Considering his past, it is highly likely that the applicant may get himself involved in another such act(s) for which he already has multiple FIR's registered against himself, and which are at different stages of trial.

9. In any event, while granting bail this Court must take into cognizance the *public good* versus the *private good* involved herein. The applicant herein has been guilty of playing with the lives of the general public. Legally also,



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while granting bail, this Court is also to take into consideration the following factors laid down by the Hon'ble Supreme Court in *Prasanta Kumar Sarkar vs. Ashis Chatterjee* (2010) 14 SCC 496; *State of Uttar Pradesh vs. Amaramani Tripathi* (2005) 8 SCC 21 and *Deepak Yadav vs. State of Uttar Pradesh* (2022) 8 SCC 559.

10. Moreover, under the existing scenario, it gives rise to grave suspicions of the applicant taking undue advantage of his being out on bail and/ or trying to tamper with evidence and/ or witnesses.

11. All the aforesaid factors, both factually and legally, are themselves sufficient for denying bail to the applicant.

12. Accordingly, the present application(s) are dismissed.

13. Needless to say, the observation made, if any, on the merits of the matters are purely for the purposes of adjudicating the present application(s) and shall not be construed as expressions on the merits of the matters.

SAURABH BANERJEE, J.

JANUARY 31, 2026/Ab/aks