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

+ **BAIL APPLN. 4502/2025, CRL.M.A. 34803/2025**

RAHUL GUPTA @ GANJA

.....Petitioner

Through: Mr. Lewish Edward, Mr. P. Vignesh,
Mr. Sameer Fajis and Mr. Ayush
Khanna, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.
SI Divya, P.S.: Patparganj, Industrial
Area, Delhi.
Mr. Pankaj Kumar Singh,
complainant *via* video conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

02.04.2026

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No.0507/2021 dated 04.12.2021 registered under sections 392/397/34 of the Indian Penal Code, 1860 at P.S.: Patparganj Industrial Area, East Delhi.

2. Notice on this petition was issued *vidé* order dated 24.11.2025.
3. Status Report dated 22.01.2026 has been filed on behalf of the State.
4. Nominal Roll dated 28.03.2026 has also been received from the Jail Superintendent.
5. Pursuant to intimation issued *vidé* order dated 20.01.2026, the complainant/victim has joined the proceedings *via* video-conferencing.



6. The court has heard Mr. Lewish Edward, learned counsel appearing for the petitioner; Ms. Shubhi Gupta, learned APP for the State and Mr. Pankaj Kumar Singh, the complainant appearing in-person.

BRIEF BACKGROUND

7. Briefly, the allegations in the present matter are, that on the night of 02.12.2021, when the complainant was traveling to Sarai Kale Khan and took a lift in a private car, the 04 people in that car robbed the complainant of his mobile-phone, laptop and ATM card. It is further alleged that the accused persons forced the complainant to disclose his the PIN of his ATM card, and withdrew Rs. 90,000/- from the petitioner's bank account using the ATM card.
8. The specific role assigned to the petitioner in the incident is that it was the petitioner who was driving the car in which the complainant was given a lift; and when the complainant sat in the car, there were 03 other persons in the car, namely the petitioner (driver), one Arun Kumar who was sitting in the front passenger seat; and one Manish who was sitting the rear passenger seat alongside the petitioner. Subsequently, another person, one Vipul was also picked-up and he sat in the rear passenger seat.
9. The allegation is that the 02 persons seated in the backseat of the car took-out a *pistol-like device* and pointed it at the complainant; and the person in the front passenger seat started hitting the complainant and robbed him of his laptop, his mobile-phone as well as his ATM card and demanded that the petitioner disclose the PIN number of the ATM card. Thereafter, at around 01:00am, the complainant was dropped at Tila village and the accused persons drove-off.



10. The allegation further is that, at the time of his arrest on 30.12.2021, the petitioner was driving the same car that was used in the commission of the offence; and that co-accused Arun Kumar was with him in the car at that time. Both the petitioner and Arun Kumar were arrested on 30.12.2021; and co-accused Manish Gehlot was also arrested on the same date. It is alleged that a 'silver-colored plastic-made pistol-like lighter' was recovered from the petitioner, which he allegedly used to scare passengers; and a country-made pistol (*katta*) alongwith 02 live cartridges was recovered from co-accused Arun Kumar. Some other ATM cards, not belonging to the complainant, are also alleged to have been recovered from the petitioner.
11. The petitioner is stated to have been identified by the complainant in the judicial Test Identification Parade ('TIP') alongwith other co-accused persons. The car which the petitioner is alleged to have been driving, was found to be registered in the name of one Ms. Chanchal Pal, who is claimed to have given a statement, that the petitioner used to borrow her car on the pretext of taking his mother to hospital.
12. Investigation in the matter is complete; and chargesheet dated 23.02.2022 has been filed in the matter. The chargesheet cites 26 prosecution witnesses, of which 06 witnesses have been examined so far.

SUBMISSIONS BY PETITIONER

13. In the aforesaid backdrop, Mr. Edward submits, that even as per the prosecution case, except for a plastic lighter and 02 ATM cards *not belonging* to the complainant, no other recovery has been made from the petitioner; and the petitioner has been implicated in the case only



on the statement of the complainant alleging that the petitioner was driving the car; and the subsequent alleged identification of the petitioner by the complainant in the judicial TIP.

14. Learned counsel argues, that as would be seen from the nominal roll, the petitioner has already suffered judicial custody of about 04 years and 02 months as an undertrial; but only 06 out of the 26 witnesses cited in the chargesheet have been examined so far; and it is evident that the trial would take a very long time to conclude.
15. Mr. Edward also draws attention to the fact that while the petitioner continues to languish in jail, his co-accused Manish Gehlot has already been granted regular bail by a Co-ordinate Bench of this court *vidé* order dated 08.10.2025 made in BAIL APPLN. No.2994/2025. Insofar as the petitioner's other criminal involvements are concerned, learned counsel submits, that as would be seen from the nominal roll, the petitioner has been admitted to bail in 03 of those cases and 01 of the cases pertains to a matrimonial dispute.
16. In this backdrop, learned counsel submits, that the petitioner is entitled to the benefit of the decision of the Supreme Court in ***Union of India vs. K.A. Najeeb***¹; and in order to preserve his rights under Article 21 of the Constitution of India, the petitioner deserves to be granted regular bail pending trial.

SUBMISSIONS BY STATE AND THE COMPLAINANT

17. Opposing the grant of bail, Ms. Gupta, learned APP for the State has made the following submissions:

¹ (2021) 3 SCC 713



- 17.1. That the allegations against the petitioner are grievous; and moreover, the petitioner is implicated in multiple other cases of robbery wherein he is alleged have used the same *modus operandi* and robbed multiple innocent people by offering them a lift in the car;
- 17.2. That since all public witnesses have not been examined so far, there is a possibility that the petitioner may threaten the witnesses and thereby interfere in the course of trial;
- 17.3. That the car which was used in the commission of the offence has been recovered from the petitioner's possession, and the registered owner of the car has said that the petitioner used to borrow her car on the pretext of taking his mother to hospital;
- 17.4. That a silver color plastic-made lighter has also been recovered from the petitioner, which was used to scare the complainant; and most likely, also used to threaten other passengers who were victims in other cases in which the petitioner is implicated;
- 17.5. That 02 ATM cards, one in the name of one Mohit and another in the name of one Sameer, have also been recovered from the petitioner, which further show the petitioner's involvement in other crimes of a similar nature; and
- 17.6. That a supplementary chargesheet has also been filed in the matter, bringing on record the FSL report which confirms that what was recovered from a co-accused was a country-made pistol.



18. Upon being queried, learned APP informs the court that only 01 public witness, Sameer, remains to be examined before the learned trial court.
19. The complainant has also been heard in the matter and opposes the grant of regular bail, submitting that the petitioner may threaten him if he is released from jail.
20. On an overall a conspectus of the facts and circumstances of the case, after hearing submissions made by learned counsel for the parties, the factors that weigh with the court *at this stage* are the following:
 - 20.1. Investigation in the matter is complete. Chargesheet dated 23.02.2022 has been filed. The prosecution has cited 26 witnesses, of whom only 06 have been examined so far despite lapse of almost 05 years from the date of the alleged commission of the offence.
 - 20.2. Admittedly, no recovery has been made from the petitioner, *except* for a plastic lighter shaped-like a pistol and 02 ATM cards, which ATM cards however do not belong to the complainant in the present case.
 - 20.3. The role imputed to the petitioner is that he had borrowed the car, which was used in commission of the offence; and that he was driving that car.
 - 20.4. The petitioner's nominal roll confirms that he has suffered imprisonment of more than 04 years as of 20.03.2026 as an undertrial; that his jail conduct has been 'satisfactory' and he has been serving as a *sahayak*.



- 20.5. While the petitioner has 05 other criminal involvements as reflected in the nominal roll, one of them pertains to a matrimonial dispute (in which he is on bail); and though the other cases relate to offences similar to the subject FIR, the petitioner is on bail in one of them as well.
- 20.6. Though it cannot be denied that the offence committed is serious, it also cannot be ignored that only 06 out of 26 prosecution witnesses have been examined so far, while the petitioner has suffered judicial custody as an undertrial for more than 04 years; and it takes no cogitation to know that it will take several years for the trial in the matter to conclude.
- 20.7. It has recently been re-iterated by the Supreme Court that pre-trial incarceration amounts to punishment, which punishment only a convict is supposed to suffer.² In *K.A. Najeeb*, the Supreme Court has also held that “*where there is no likelihood of trial being completed within a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence*”, courts would ordinarily be obligated to enlarge the accused on bail.
- 20.8. Furthermore, in *Mohd Hakim vs. State (NCT of Delhi)*³, this Bench has also observed that courts must play doctors, not

² Order dated 13.03.2026 in SLP (Crl.) No. 18775/2025

³ 2021 SCC OnLine Del 4623



coroners; and must safeguard constitutional rights before they are extinguished.

21. As a sequitur to the above, this court is persuaded to allow the present petition, thereby granting to the petitioner – ***Rahul Gupta @ Ganja s/o Khajanchi Lal*** – regular bail pending trial, subject to the following conditions:

- 21.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;
- 21.2. The petitioner shall furnish to the Investigating Officer/S.H.O a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 21.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 21.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial;
- 21.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the Investigating Officer in writing;



- 21.6. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
22. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
23. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
24. The petition stands disposed-of in the above terms.
25. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 2, 2026

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