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

+ **BAIL APPLN. 4749/2025**

AMAN

.....Applicant

Through: Ms. Vibhuti Vashist and Mr. Kunal Vashisht, Advocates.

Versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Advocate with SI Balwan and SI Lal Chand, PS-S.B. Dairy.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

06.01.2026

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1. By virtue of the present bail application under *Section 483* read with *Section 528* of The Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in proceedings arising out of FIR No.757/2025 registered under *Sections 309(4)/3(5)* of the Bharatiya Nyaya Sanhita (**BNS**) at PS.: Shahbad Dairy, Delhi.

2. As per FIR, the complainant had gone to Shahbad Dairy for some personal work wherein, at about 12:16 AM, when the complainant reached Police Booth Lane, two unknown boys, who appeared to be under the influence of alcohol, intercepted him and demanded that he purchase liquor for them. Upon the complainant's refusal and attempt to move away from the spot, the said two boys forcibly restrained him and threatened him with a '*Hooswa*' (a knife-like sharp weapon). Thereafter, they



forcibly removed the complainant's wallet containing approximately Rs.20,000/- from the back pocket of his pants as also took his mobile phone from the front left pocket. Subsequently, the accused returned the mobile phone to the complainant with a warning to leave the spot quietly and fled from the scene along with the robbed wallet and cash.

3. Thereafter, during the course of investigation on the same date i.e. 29.10.2025, both accused persons Aman @ Aditya/ applicant herein and Rohit were apprehended and upon identification by the complainant were arrested and taken under judicial custody.

4. Learned counsel for the applicant submits that the applicant is a law-abiding citizen with clean antecedents who has been falsely implicated herein. The learned counsel then submits that neither any specific role has been attributed to the applicant nor any recovery of incriminating article/ weapon as alleged in the FIR has been made from him. The learned counsel also submits that there is no direct evidence like CCTV footage establishing his involvement in commission of the alleged offence, and that since his name does not figure in the FIR and the allegations levelled therein primarily pertain to two unnamed boys, therefore, the arrest of the applicant is baseless and without any cogent evidence against him. The learned counsel then submits that since the major recovery of the alleged robbed amount has been recovered as also since the investigation *qua* the applicant is complete, no further custodial interrogation of the applicant is thus required. Lastly, the learned counsel submits that the applicant has been in judicial custody since his arrest on 29.10.2025.

5. Status Report was called for and the Nominal roll was also



requisitioned from the concerned Jail Authorities.

6. Learned APP appearing for the State submits that though the applicant was not expressly named in the FIR, however, during the course of investigation, the applicant as also the co-accused were apprehended only upon identification by the complainant and were then taken under judicial custody. The learned APP also submits that the police also recovered Rs.5,520/- and the Election Identity Card of the complainant from the illegal possession of the applicant, as also further amount of Rs.10,120/- and the '*Hooswa*' used to threaten the complainant from the illegal possession of the co-accused/ Rohit. Further, since the allegations against the applicant are grave and serious in nature, involving the offence of robbery committed with a deadly weapon like '*Hooswa*' as also since the applicant has previously been involved in another case being FIR No.651/2025 registered at PS.: Shahbad Dairy, Delhi under identical *Sections 309(6)/317(2)/3(5)* of BNS, the learned APP presses for denial of bail to the applicant.

7. This Court has heard the learned counsel for the applicant and the learned APP for the State and perused the Status Report as also the other documents on record.

8. Prior to proceeding on merits, it has to be kept in mind that since this Court is dealing with offences under *Sections 309(4)* of the BNS, the parameters for granting bail require this Court to be watchful and tread with care and caution.

9. Considering the nature and gravity of the accusations levelled against the applicant, the severity of the punishment prescribed, in the event of conviction, recovery of Rs.5,520/- alongwith the Election Identity



Card of the complainant from his possession coupled with the fact that the applicant has been involved in another FIR of the same nature in the very same year, there is no reason for allowing the present application. More so, in the considered opinion of this Court, there exists a reasonable apprehension of repetition of the said offence.

10. Also, that further amount of Rs.10,120/- along with the weapon namely '*Hooswa*' has also been recovered from the co-accused is another relevant ground for denial of bail to the applicant.

11. Even otherwise, 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.

12. Taking due note of the overall facts and circumstances enumerated hereinabove as well as the legal position enumerated hereinabove, the bail sought by the applicant is rejected. As such, the present application is dismissed.

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

SAURABH BANERJEE, J

JANUARY 6, 2026/NA