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

+ **BAIL APPLN. 4816/2025, CRL.M.A. 37032/2025**

MANDEEP

.....Petitioner

Through: Mr. Amit Kumar, Advocate.

versus

STATE OF N.C.T. OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **08.04.2026**

CRL.M.A. 37031/2025 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

BAIL APPLN. 4816/2025

By way of the present petition filed under section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No.303/2024 dated 09.05.2024 registered under sections 392/397/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Burari, Delhi. Consequent upon completion of investigation, offences under sections 411/451 of the IPC and sections 25/27/59 of the Arms Act, 1959 have been added *vide* chargesheet dated 30.09.2024.

2. Notice on the petition was issued on 11.12.2025.



3. Status Report dated 25.01.2026, though stated to have been filed, is not on record. A copy of the same has been handed-up in court. The same is taken on record.
4. Nominal roll dated 02.04.2026 has also been received from the Jail Superintendent.
5. Mr. Amit Kumar, learned counsel appearing for the petitioner submits, that the petitioner was arrested in the present case on 03.07.2024 and has been in custody ever-since. He submits that a perusal of the FIR and the chargesheet would show, that the allegation against the petitioner is that he was riding pillion on a motorcycle, when the offence was allegedly committed using that motorcycle.
6. Mr. Kumar submits, that the petitioner is alleged to have been identified in a TIP, which is clearly flawed, since at the time of the incident, the petitioner is stated to have been wearing a helmet, despite which a supposed eye-witness has identified him in the TIP.
7. Counsel also submits, that it is the admitted case of the prosecution that neither any robbed goods nor the motorcycle have been recovered from the petitioner. He submits, that the gun that is alleged to have been used for the commission of the offence, is also alleged to have been recovered from co-accused Ravinder.
8. Counsel points-out that co-accused Ravinder, who is the main accused in the case, has already been granted regular bail *vidé* order dated 03.12.2025 passed in BAIL APPLN. No. 3537/2025 by a Co-ordinate Bench of this court, a copy of which order is appended to the present petition.



9. Furthermore, learned counsel argues, that of the other two cases which are shown as pending against the petitioner in the nominal roll, *i.e.*, FIR No.465/2024 registered at P.S.: Burari, Delhi and FIR No.273/2024 registered at P.S.: Swaroop Nagar, Delhi, the petitioner is on bail in both of them.
10. It is submitted, that the prosecution has cited 15 witnesses in the chargesheet, of which 01 witness has been dropped; but only 02 of the other prosecution witnesses have been examined so far despite lapse of about 02 years from the date of the petitioner's arrest. Counsel argues that the petitioner cannot be kept in judicial custody as an undertrial when the trial is likely to take a long time.
11. On the other hand, opposing the grant of bail, Mr. Shoaib Haider, learned APP for the State submits, that the petitioner has been identified by an eye-witness since it was the co-accused (driver of the bike) who was wearing a helmet at the time of commission of offence, but the petitioner, who was riding pillion, was not wearing a helmet. Learned APP submits, that the petitioner has been charged with having planned and carried-out the offence along with the co-accused persons, since it was the petitioner who waited outside the victim's shop; then robbed him of Rs.01 lac on gunpoint along with the co-accused; and also physically assaulted the victim and his co-worker.
12. Learned APP submits, that the petitioner has been correctly identified by the complainant; and furthermore, considering the petitioner's other criminal involvements, he does not deserve to be enlarged on regular bail.



13. Upon a conspectus of the submissions made and the documents on record, the considerations that weigh with this court *at this stage* are the following:
 - 13.1. Admittedly, no recovery has been made from the petitioner, either of the amount robbed or of the gun or the motorcycle, that are alleged to have been used in the commission of the offence.
 - 13.2. The petitioner disputes his presence at the time of the offence; and though a TIP has been conducted, whether or not the petitioner has been duly identified as one of the assailants is to be decided in the course of trial.
 - 13.3. Of the 14 remaining prosecution witnesses, only 02 have been examined so far; and it is evident that the trial will take a long time to conclude.
 - 13.4. In the meantime, the petitioner has been in judicial custody since 03.07.2024 as an undertrial; his nominal roll reflects that his jail conduct has been 'satisfactory'; and furthermore, as narrated above, the petitioner is on bail in the other two cases in which he is charged.
 - 13.5. Co-accused Ravinder has already been enlarged on regular bail *vidé* order dated 03.12.2025 made in BAIL APPLN. No.3537/2025 by a Co-ordinate Bench of this court.
14. Considering the aforesaid facts and circumstances, including the period of the petitioner's incarceration as an undertrial and the fact



that the trial will take a long time to conclude, and in keeping with the decision of the Supreme Court in ***Union of India vs. K.A. Najeeb***¹ and by the undersigned while sitting in Division Bench in ***Mohd. Hakim vs. State (NCT of Delhi)***² this court is persuaded to allow the present petition. Accordingly, the petitioner – ***Mandeep s/o Jai Kishan***– is admitted to *regular bail* pending trial *subject to* the following conditions:

- 14.1. 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;
- 14.2. The petitioner shall furnish to the Investigating Officer/S.H.O., P.S.: Burari, Delhi 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;
- 14.3. 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;
- 14.4. 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

¹ (2021) 3 SCC 713

² 2021 SCC OnLine Del 4623



prejudice the proceedings in the pending trial;

14.5. In case of any change in his contact details, the petitioner shall promptly inform the I.O. in writing.

15. 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.
16. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
17. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
18. The petition stands disposed-of in the above terms.
19. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 8, 2026/ak