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

+ **BAIL APPLN. 4959/2025, CRL.M.A. 38244/2025**

ROHIT KUMAR

.....Applicant

Through: Mr. Surender Singh and Mr. Sachin
Kr. Singh, Advs.

Versus

THE STATE OF (NCT OF DELHI)

.....Respondent

Through: Mr. Satish Kumar, APP with Ms.
Upasna Bakshi, Advocate
Mr. Anuj Kapoor, Adv. (DHCLSC)
for complainant with complainant
in person.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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12.03.2026

1. By virtue of the present application made under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita (**BNSS**), the applicant seeks regular bail in proceedings arising out of e-FIR No.80064241/2025 dated 08.07.2025, registered under *Sections 303(2)/3(5)* of the Bharatiya Nyaya Sanhita, 2023 (**BNS**) at PS: Dabri/e-Police Station, Delhi.
2. *Succinctly put*, on 08.07.2025, as per the statement of Mr. Harpal Singh (**complainant**), during the intervening night of 06-07.08.2025, while he was returning to his house in an auto-rickshaw along with his workers, at the power house red light, three to four unknown persons beat and robbed him at gunpoint and snatched his purse containing PAN Card, Driving License and approximately Rs.9,000/-, based thereon, the present



FIR was registered. Thereafter, during the investigation and based on the TIP proceedings conducted by the Police, the applicant herein along with other co-accused person were successfully identified by the complainant on 26.08.2025. Subsequently, the charge-sheet was filed on 16.09.2025.

3. At the outset, learned counsel for the applicant submits that the applicant herein is a young boy who is nineteen years old and is a first time offender as also the applicant has been arrested based on the confessional statement of the co-accused person as he was not even named in the present FIR. More so, the charge-sheet has already been filed on 16.09.2025 and the statements of the complainant as also the witnesses have been recorded. Further, learned counsel for the applicant submits that it is trite law that bail is the rule and jail is the exception, especially in the matters where the applicant is a first time offender. Thus, the applicant is liable to be released on bail.

4. *Per contra*, learned APP for the State, whilst relying upon the Status Report, submits that the allegations against the applicant are grave in nature as also the stolen PAN Card was recovered from the applicant. Learned APP for the State further submits that if the applicant is released on bail, there is a high likelihood that he may commit similar serious offences and obstruct the course of justice by trying to influence the prosecution witnesses.

5. Supporting the above, learned counsel for the complainant submits that if the applicant herein is released on bail, the complainant apprehends that there are chances that the applicant may commit the same offence and harass the complainant.

6. As such, both learned APP and the learned counsel for the



complainant seeks dismissal of the present application.

7. Heard learned counsel for the applicant as also the learned APP for the State and the learned counsel for the complainant and also perused the documents and Status Report on record.

8. Cumulatively taken, the overall facts and circumstances disclose that the applicant is a young boy of nineteen years of age, that he is a first time offender, and that he is not named in the present FIR. Considering the aforesaid, as also the role assigned to the applicant, and since the charge-sheet has already been filed and the statements of the witnesses as also the complainant has already been recorded, in the considered opinion of this Court, the applicant has made out a case for release on bail.

9. Accordingly, the present application is allowed and the applicant be released on regular bail in proceedings arising out of e-FIR No.80064241/2025 dated 08.07.2025, registered under *Sections 303(2)/3(5)* of the BNS, upon him furnishing a personal bond in the sum of Rs.25,000/- [*Rupees Twenty Fifty Thousand*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the Jail Superintendent by way of an affidavit.
- ii. Applicant shall surrender his passport, if any, to the IO, within *three days*.



- iii. Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not be switch off or change the mobile number without prior intimation to IO concerned. Mobile location be kept *on* at all times.
 - v. Applicant shall report to the IO at PS.: Dabri, Delhi once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
 - vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.
10. As such, the present application along with the pending application is allowed and disposed of in the aforesaid terms.
11. A copy of this order be sent to the concerned Jail Superintendent for information and compliance thereof.
12. Needless to say, observations made hereinabove, if any, on the merits of the matter, are purely for the purposes of adjudicating the present application and shall not be construed as an expression on merits therein.

SAURABH BANERJEE, J

MARCH 12, 2026/bh/AKS