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

+ **BAIL APPLN. 5028/2025**

HARPREET SINGH @ HAPPY

.....Applicant

Through: Mr. Ashish Kumar Sharma,
Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms.
Upasna Bakshi, Mr. Aditya Vikram
and Ms. Divya Bakshi, Advocates
SI Shakti Singh, PS-Darya Ganj.
Mr. Sarthak Karol, Amicus Curiae,
with Ms. Neelakshi Bhadauria and
Ms. Tanishra Pawar, Advocates,
DHCLSC.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

09.04.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) read with *Section 439* of the Code of Criminal Procedure, 1973 (**Cr.P.C.**), the applicant seeks setting aside of the order dated 14.10.2025, passed by the learned ASJ-02, Central District, Tis Hazari Court (**learned Trial Court**) and grant of regular bail in E-FIR No.80019599/2024 dated 26.02.2024 registered at PS.: Darya Ganj, Delhi under *Sections 392/397/411/34* of the Indian Penal Code, 1860 (**IPC**).

2. *Succinctly put*, the present FIR was registered based on the



complaint made by the complainant, regarding an incident of robbery committed by three persons, including the applicant herein (*auto driver*), near the metro station gate no.3, Asaf Ali road, Daryaganj, Delhi between 02:15-02:30 A.M. in the intervening night of 23-24.02.2024. The said robbery was executed by the two co-accused person(s) whence they threatened the complainant with a paper cutter to keep quiet and took his mobile phone (*a Red coloured Oppo F9*) and thence the applicant with along with the two co-accused person(s) fled in the auto driven by the applicant herein.

3. Thereafter on 31.03.2024, an information was received at PS.: Darya Ganj that all the three co-accused person(s) have been arrested in another FIR, whereby the mobile phone of the applicant was recovered from them and they revealed their involvement in the present FIR. Further, warrants were issued for production of the said accused person(s) before the learned Trial Court on 10.05.2024, subsequent thereto, they were formally arrested for interrogation. In fact, on 21.05.2024, TIP was conducted whereby the complainant successfully identified the applicant herein. Thus, after completion of the investigation, chargesheet was filed before the learned Trial Court against applicant herein under *Sections 392/34* of the IPC, and presently, the matter is at the stage of prosecution evidence before the learned Trial Court.

4. At the outset, learned counsel for the applicant submits that **(i)** the role of the applicant herein as per the chargesheet pertains only *qua Sections 392/34* of the IPC; **(ii)** there are major inconsistencies in deposition of the complainant before the learned Trial Court; **(iii)** there was no recovery of the paper cutter and in fact the mobile phone was



recovered from the other co-accused person(s). Lastly, learned counsel for the applicant submits that the applicant has been in judicial custody since 10.05.2024 and since the same amounts to pre-trial incarceration, the present application is liable to be allowed.

5. *Per contra*, learned APP for the State, whilst relying upon of the Status Report, submits that the offence involved herein is grave in nature and complainant has correctly identified the applicant in the TIP proceedings and as the case is at the stage of prosecution evidence, if applicant is released on bail he may influence the witnesses. Moreover, as per the Nominal Roll the conduct of the applicant has been “Unsatisfactory” during his time in judicial custody, as also barring the present FIR there is another FIR bearing no.172/ 2024 registered under Sections 394/411/34 of the IPC at PS.: R.K. Puram, Delhi registered against the applicant herein which involves a similar offence.

6. Learned Amicus Curiae, additionally submits even though the complainant *vide* order dated 17.03.2026 had given a statement that he has No Objection if the applicant is granted bail, *de hors* the aforesaid, this Court ought to consider the relevant factors as also the criminal antecedents whilst adducing the present bail application as held by the Hon’ble Apex Court in *Neeru Yadav vs. State of U.P.:(2014) 16 SCC 508*, *Deepak Yadav vs. State of U.P.:(2022) 8 SCC 559*, *P. Chidambaram vs. Directorate of Enforcement:(2020) 13 SCC 337*, *Ash Mohammad vs. Shiv Raj Singh:(2012) 9 SCC 446* and *Sunil Kumar vs. State of Bihar:(2022) 3 SCC 245*. Thus, he submits that the present application is liable to be dismissed.

7. Heard.



8. The applicant herein is *admittedly* not a first-time offender as he has prior antecedents of similar nature and the conduct of the applicant has been “*Unsatisfactory*” whilst he was in judicial custody. Merely because the charges have been framed and a No Objection has been given by the complainant, in view of the facts and circumstances in *toto*, and following the settled law and germane factors as per the judgments of the Hon’ble Apex Court in *P. Chidambaram (supra)* and *Sunil Kumar (supra)*, this Court finds force in the submissions made by the learned APP as also the learned Amicus Curiae as there is high likelihood that the applicant herein may commit similar offence, if he is granted regular bail.

9. In view of the above, since no case for grant of regular bail is made out, the present application is dismissed.

10. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J

APRIL 9, 2026/NA