

State Vs. Deepak @ Milkha
CNR No.: DLCT01-006641-2023
SC No. 297/2023
FIR No. 74/2023
PS : Sadar Bazar

02.07.2026

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. P.K. Garg, Ld. Counsel for the accused, namely,
Deepak @ Milkha.

ORDER

1. The present application has been moved on behalf of accused, namely, Deepak @ Milkha (*hereinafter referred to as the 'applicant/accused'*), in terms of the provisions under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*), seeking regular bail. Notably, the last bail application of the applicant was dismissed on 16.10.2025, by this Court.

2. Learned Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case by the police officials. As per the Ld. Counsel, the applicant was arrested by the concerned officials at PS Sadar Bazar on 27.02.2023 and ever since then, he had been languishing in judicial custody, without there being any chances of conclusion of trial anytime in near future. It was further submitted that since the investigation in the instant case has already concluded and the case is presently at the stage of recording statement of accused under Section 313 Cr.P.C./ Section 351 BNSS, no useful purpose would be served in keeping the applicant in continued detention. In this regard, it was further submitted by Ld. Counsel that the applicant has nothing to do with the alleged offence, with which he has been

charged with. As per the Ld. Counsel, the applicant is not a previous convict and is having clean antecedents, as such, there are no chances of applicant fleeing from justice or tampering with the prosecution witnesses, if released on bail. Lastly, it was submitted by the Ld. Counsel that the applicant is ready to abide by the terms imposed by this Court while granting bail, including cooperating with the investigating authorities for further investigation, as and when summoned/requisitioned.

3. *Per contra* Ld. Addl. PP for the State vehemently opposed the present application on the ground that the applicant was actively involved in the commission of offence in the instant case, being a grave offence. Further, as per Ld. Addl. PP for the State, the allegations levelled against the applicant are quite serious in nature. Ld. Addl. PP for the State further submitted that the applicant has previously been involved in a case of snatching bearing FIR No. 163/2020, under Section 365/379/411/34 IPC, PS Sadar Bazar. As per Ld. Addl. PP for the State, the applicant showed paper cutter to the complainant at the time of committing robbery and 06 robbed ladies suits have also been recovered at the instance of the applicant in the present case. It was further submitted that in case bail is granted to the applicant, there are chances of the applicant absconding and evading trial, considering the gravity of offence/charges levelled against him.

4. The arguments of the Ld. Counsel for applicant and that of Ld. Addl. PP for the State, heard as well as case record(s) have been thoroughly perused.

5. At the outset, this court deems it appropriate to iterate some of hallowed principles governing bail jurisprudence,

which have been persistently affirmed by various courts. In fact, one of the common threads that binds and governs the determination on a prayer for bail is that '*bail is a rule and jail is an exception*'. At the same time, another equally noteworthy principle that determines the field of bail is that an accused persons cannot be kept in custody as a measure of punishment without trial. In fact, courts in a catena of decisions¹ have repeatedly avowed that bail cannot be withheld as a (mode of) punishment, object of bail being to secure the appearance of the accused person at his trial by reasonable amount, and the same being neither punitive nor preventative in nature.

6. Therefore, mindful of the aforementioned principles, this Court deems it appropriate to consider the arguments raised on behalf of the applicant as well as State in the instant case. Relevantly, one of the primary contentions of the Ld. Addl. PP for the State, while objecting to the applicant's prayer for bail is that the crime with which the applicant has been charged with is grave in nature. However, in this regard, this Court outrightly and unequivocally observes that it is trite law² that gravity or seriousness of offence cannot be treated as the only consideration for refusing bail. On the contrary, in the instant case, admittedly, the applicant has been in custody since 27.02.2023 and in the meanwhile, evidence of all the prosecution witnesses has been record and the matter is listed for recording of statement of applicant/accused under Section 313 Cr.P.C./Section 351 BNSS. Accordingly, under such factual scenario, this Court is of the opinion that the balance clearly tilts in favour of the applicant at

¹ *Sanjay Chandra v. CBI, (2012) 1 SCC 40 and K. Rajapandian v. State (NCT of Delhi), 2022 SCC OnLine Del 1315*

² *Sunder Singh Bhati v. State, 2022 SCC OnLine Del 134*

this stage. Concomitantly, the apprehension of the Ld. Addl. PP for the State pertaining to the applicant's flight risk and/or tampering with prosecution's case can be taken care of³ by imposing elaborative and stringent conditions. Needless to mention that the contentions of the Ld. Addl. PP for the State pertaining to the applicant's/accused's involvement in other case as a ground for opposition of his bail application is concerned, this Court unambiguously observes that it is the settled law⁴ that mere pendency of proceedings cannot be the sole ground to reject the bail. Even otherwise, the applicant is stated to be on bail in the said cases.

7. Consequently, in conspectus of the above and further keeping in view the incarceration of the applicant in the present case since 27.02.2023; recovery of the case property is asserted to have been effected already; charges have already been framed; prosecution evidence has already concluded; the matter is at the stage of recording statement of applicant/accused under Section 313 Cr.P.C./Section 351 BNSS; and the trial is likely to take some time, this Court deems it fit to grant bail to the applicant.

8. Accordingly, in light of the aforementioned facts and circumstances, the present application under Section 483 BNSS for regular bail *qua* the applicant, namely, **Deepak @ Milkha is *allowed***, and the said applicant is admitted to bail, upon furnishing of **personal bond of Rs. 20,000/- (Rupees Twenty Thousand only)**, with one surety of the like amount,

³ *Abhishek Kumar Singh v. State of H.P.*, 2020 SCC OnLine HP 3296

⁴ *Prabhakar Tewari v. State of U.P.*, (2020) 11 SCC 648; and *Mumtaz v. State (NCT of Delhi)*, 2022 SCC OnLine Del 4617.

subject to the satisfaction of this Court and further subject to the following additional conditions that;

- (i) *the applicant/accused shall not commit offence similar to the offence of which the applicant/accused has/is suspected to have committed;*
- (ii) *the applicant/accused shall attend the court on all the dates fixed during the trial;*
- (iii) *the applicant/accused shall ordinarily reside in his place of residence and immediately inform change of address, if any, to the Investigating Officer;*
- (iv) *the applicant/accused shall furnish to the Investigating Officer a cell phone number on which the applicant/accused may be contacted at any reasonable time and shall ensure that the number is kept active;*
- (v) *the applicant/accused shall cooperate in any further investigation, as and when required and shall appear before the investigating agency/Court as and when called for, as per law;*
- (vi) *the applicant/accused shall not, directly or indirectly, contact or visit or offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case; and*
- (vii) *the applicant/accused shall not tamper with evidence, nor try to prejudice the proceedings in the matter in any manner.*

9. It is clarified herein that the observations made in the present order are only limited for the purpose of deciding the present application of the applicant and would have no bearing on the factual matrix of the present case, which is a separate issue to be determined as per law.

10. In view of the above, the present application of the applicant, namely, Deepak @ Milkha is ***disposed off as allowed***.

11. A copy of the present order be given ***dasti*** to the Ld. Counsel for the applicant, namely, Deepak @ Milkha as well as the IO. Further, a **copy of this order be sent to the concerned Jail**

Superintendent with the direction to hand over a copy of order to the applicant.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
02.07.2026