State Vs. Rohit
Bail Application No.1195/2026
FIR No. 641/2026
Under Section 306/3(5) BNS
PS : Karol Bagh

31.07.2026

Present: Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Shubham Nagpal, Ld. Counsel for the complainant.
Ms. Sukanya Hazarikaand, Ld. Counsel for the applicant/accused, namely, Rohit. *(through video conferencing)*
HC Lokencha Maan, PS Karol Bagh.

<u>O R D E R</u>

1. The present application has been filed under Section Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 (*hereinafter referred to as '**BNSS**')* on behalf of applicant, namely, Rohit (hereinafter referred to as the '***applicant/accused***), seeking anticipatory bail.

2. Succinctly, the case of the prosecution is premised on the complaint of one Dheeraj /complainant wherein he *inter alia* proclaimed that he was running operating a firm in the name of Qshoppie Pvt. Ltd. As per the complainant, the applicant was working in his said firm for around 1½ years, and that on 03.09.2025, the complainant came to know that for a significant period of time, applicant was committing theft from the said firm. The complainant further asserted that applicant admitted to his guilt, upon being questioned and also declared that he was involved in the said offence along with his associate Suraj. It was further avowed by the complainant that the stolen articles were sold to co-accused Vishal Raj, who was operating a shop in the name of 186 Cover King and other persons. Correspondingly, as

per the complainant, he noted under the bank statement of applicant that the co-accused Vijay Raj had transferred a sum of Rs. 13 lacs in his account and as per the complainant a sum of Rs. 30 lacs was stolen /misappropriated from his firm. Markedly, under such factual background and on basis of the said complaint, the FIR was registered and investigation ensued.

3. Learned Counsel for the applicant outrightly submitted that the applicant is innocent and has been falsely implicated in the present case by the police officials of concerned police station. In this regard, it was further submitted that the applicant has nothing to do with the alleged offence with which he has been charged with and the FIR has been registered without there being any iota of evidence against the applicant. As per the Ld. Counsel, the applicant does not have any relation with the complainant and the FIR has been registered only on vague and blatant allegations, and even the basic ingredients for the offences of cheating, criminal breach of trust, criminal misappropriation or any other offence have not made out against the applicant. In this regard, it was further asserted that the complainant adopted illegal practice of receiving payments from various customers in the applicant's bank account in order to evade statutory liability and the application has no concern, connection or beneficial interest with the transactions in question. Further, as per the Ld. Counsel, the applicant has clean antecedents and there are no chances of the applicant tampering with the prosecution case or fleeing from justice and no purpose would be served by sending the applicant in judicial custody. Lastly, it was submitted by the Ld. Counsel that the applicant has already joined the investigation as well as is willing to abide all

the terms and conditions imposed by this Court while granting bail, including co-operating the investigating authorities and making himself available for investigation/further investigation, as and when called for. Conclusively, Ld. Counsel for the applicant prayed that the present application be allowed, and he may be granted anticipatory bail.

4. *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. It was further submitted that in case bail is granted to the applicant, there are chances that the prosecution's witnesses would be exposed to threat, coercion and/ or undue influence. Further, as per the Ld. Addl. PP for the State, there is a reasonable likelihood of tampering/causing disappearance of evidence in the matter by the applicant, besides the flight risk of the applicant, making the present application liable to be rejected at the outset. Ld. Counsel for the complainant while supplementing the arguments of Ld. Addl. PP for the State has submitted that the applicant is involved in serious offence of cheating, criminal breach of trust and criminal misappropriation. Further as per the Ld. Counsel, the applicant has not cooperated in the investigation in as much as the applicant has not facilitated recovery in the present case, disentitling the applicant to claim any indulgence from this Court.

5. The arguments of Ld. Counsel for applicant/accused and that of Ld. Addl. PP for the State and Ld. Counsel for the complainant, heard as well as case record(s), including the written submissions filed, have been thoroughly perused.

6. At the outset, this Court iterates the settled law[1] that determination of anticipatory bail entails the establishment of an equilibrium so as to ensure that no prejudice is caused to the free, fair and full investigation, on one hand, as well as there is prevention of harassment, humiliation and unjustified detention of the accused, on the other hand. Incontestably, liberty of an individual is valuable right, however, it is trite law[2] that such a protection cannot be absolute and there may be instances where the collective interest of the community may predominate the right[3] of personal liberty of an individual. Ergo, it is quite understandable that several factors are required to be considered while granting or refusing bail[4]. Concomitantly, though, there is no prescribed strait jacket formula regarding such relevant factors, however, it is a settled law[5] that where there are sufficient reasons to have reasonable apprehension that the accused would flee from justice and/or tamper with prosecution evidence, such an accused can be refused bail, in order to ensure a fair trial of the case. Similarly, the superior courts[6] have persistently cautioned that such a discretion vested in court(s), *"should be exercised with care and circumspection depending upon the facts and circumstances justifying its exercise."* Nonetheless, this Court is also cognizant of the settled law that one of the common threads that binds and governs the determination on a prayer for bail is that[7] '*bail is a rule and jail is*

---

[1] ***Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694*** and ***Pratibha Manchanda v. State of Haryana, (2023) 8 SCC 181.***

[2] ***Masroor v. State of U.P., (2009) 14 SCC 286***

[3] ***Shahzad Hasan Khan v. Ishtiaq Hasan Khan, (1987) 2 SCC 684***

[4] ***Gurcharan Singh v. State (Delhi Admn.), (1978) 1 SCC 118***

[5] ***Anil Mahajan v. Commissioner of Customs, 84 (2000) DLT 854***

[6] ***Bhadresh Bipinbhai Sheth v. State of Gujarat & Anr., (2016) 1 SCC 152.***

[7] ***State of Rajasthan v. Balchand, (1977) 4 SCC 308 and Dataram Singh v. State of U.P., (2018) 3 SCC***

an exception'. At the same time, another equally noteworthy principle that determines the field of bail is that an accused person cannot be kept in custody as a measure of punishment without trial. In fact, courts in a catena of decisions[8] 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.

7. Therefore, being mindful of the aforenoted 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 law[9] that gravity or seriousness of offence cannot be treated as the only consideration for refusing bail. Notably, from the perusal of the reply filed by the IO, it is demonstrated that the IO has failed to show any reasons for seeking custodial interrogation of the applicant. On the contrary, the IO has submitted that though the applicant joined the investigation on 11.06.2026, 14.06.2026 and 16.07.2026, however, has not cooperated in investigation by facilitating recovery. The IO has submitted that considering the nature of offence, the bail application of the applicant ought to be rejected. However, as aforenoted, gravity of offence cannot be

---

22

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

[9] ***Sunder Singh Bhati v. State, 2022 SCC OnLine Del 134***

the sole reason for denial of bail. In so far as the requirement for custodial interrogation for the purposes of recovery is concerned, this Court deems it pertinent to make a reference to the decision of Hon'ble Supreme Court in ***Bijender v. State of Haryana, SLP (Crl.) No. 1079/2024, dated 06.03.2024***, wherein the Hon'ble Court has in unequivocal terms noted as under;

> *"The learned counsel for the State opposed his plea for pre-arrest bail by filing a counter affidavit. In our order passed on 05.02.2024 giving the appellant interim protection, it was directed that the said protection was subject to the appellant's cooperation with the investigating agency. It is not in dispute that the appellant has joined the investigation but the main reason for opposing the prayer of the appellant for pre-arrest bail has been disclosed in paragraph 13 of the counter affidavit, which we quote below:-*
>
> > *"13. That the petitioner/accused had though joined investigation on dated 10.02.2024, as per order passed by this Hon'ble Court but the petitioner did not cooperate with the police nor got recovered the amount of bribe received by him nor disclosed the other facts of this case properly. Therefore, the custodial interrogation of petitioner/accused is required in the present case for thorough investigation."*
>
> *We cannot treat the behavior attributed to the appellant to be instances of non-cooperation justifying dismissal of his appeal for pre-arrest bail.* ***An accused, while joining investigation as a condition for remaining enlarged on bail, is not expected to make self-incriminating statements under the threat that the State shall seek withdrawal of such interim protection****."*
>
> *(Emphasis supplied)*

8. Further, the Hon'ble Allahabad High Court in ***Deepanshu Srivastava v. Union of India, 2024 SCC OnLine All 2665*** in similar context, remarked as under;

> *"35. Thus the* ***cooperation in the investigation may not be taken that accused applicant while under interrogation must make statements in favour of the department or make statements which are self incriminatory****."*
>
> *(Emphasis supplied)*

9. Accordingly, in light of the aforementioned facts and circumstances and reiterating that no reasonable ground for custodial interrogation of the applicant are forthcoming, applicant is stated to be a first time offender and that no other case is pending against him, has been brought to the attention of this Court; and the applicant has already joined the investigation on 11.06.2026, 14.06.2026 and 16.07.2026, this Court deems it fit to grant bail to the applicant. Needless to reiterate in light of the afore-noted decisions that non-cooperation in investigation is not akin to an accused disclosing incriminating evidence against him. Accordingly, the present application under Section 482 of BNSS for anticipatory bail *qua* the applicant, namely, Rohit is ***allowed.*** It is, accordingly, directed that in the event of arrest, the applicant is directed to be released on bail, upon furnishing of **personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand only), with one surety of the like amount**, and further subject to the following additional conditions that;

(i) the applicant shall render co-operation to the investigating officer and shall present himself before the investigating officer as and when called for;

(ii) the applicant shall not indulge into or commit offence similar to the offence of which the applicant has/is suspected to have committed;

(iii) the applicant shall ordinarily reside in his place of residence and immediately inform change of address, if any, to the Investigating Officer;

(iv) the applicant shall furnish to the Investigating Officer a cell phone number on which the applicant may be contacted at any reasonable time and shall ensure that the number is kept active;

(v) the applicant 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;

(vi) the applicant shall not tamper with evidence, nor try to prejudice the proceedings in the matter in any manner; and

(vii) the applicant shall appear before the Ld. Trial Court on each and every date of hearing, after filing of charge-sheet.

10. 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. Further, in the event of applicant found to be violating any of the above conditions, the State shall be at liberty to move appropriate application for cancellation of anticipatory bail.

11. In view of the above, the present application of the applicant, namely, Rohit is **disposed of** as **allowed**.

12. A **copy of the present order be given *dasti*** to the Ld. Counsel for the applicant, namely, Rohit as well as to the IO.

ABHISHEK GOYAL
Digitally signed by ABHISHEK GOYAL
Date: 2026.07.31 16:27:12 +0530

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.07.2026