

State Vs. Deepak

Bail Matter No. 1554/2026

FIR No.: 386/2026

PS: Kotwali

08.08.2026

Present: Mr. Gyan Chandra Soni, Ld. Addl. PP for the State.
Mr. Rakesh Kumar, Ld. Counsel for the
applicant/accused, namely, Deepak.
IO/SI Rahul Garg is present.

ORDER

1. The present application has been moved on behalf of the applicant, namely, Deepak ('*applicant/accused*' for short), in terms of the provisions under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*), seeking regular bail.

2. Succinctly the case of the prosecution is that on 03.06.2026, an intimation was received at the concerned police station regarding the apprehension of one person, accused of robbery. Consequently, the concerned police official proceeded at the spot, i.e. Rai Kedarnath Marg, near Town Hall, Chandni Chowk, Delhi, where HC Narender alongwith the complainant Manish Kumar and the apprehended accused, Deepak/applicant herein were found present. During the course of the investigation one gold like yellow colour locket, attached on a red colour thread with blue and pink threads at knots and a blade were produced by HC Narender, which were seized. Correspondingly, the statement of the complainant was recorded, where the complainant *inter alia* proclaimed that on 03.06.2026 at around 8 pm he alongwith his wife, sister Madhu Verma and niece 'P' had proceeded to Lal Quila and Chandni Chowk market. At around 10 pm when they were returning to their home and had reached near Town Hall, Rai Kedarnath Marg, one person approached them and while brandishing a blade robbed 'P' of her locket

which she was wearing at that point of time. As per the complainant the said person also pushed the minor, 'P' who was four years of age. Consequently, under said facts and circumstances and on the basis of the complainant, the instant FIR came to be registered and investigation ensued.

3. Ld. Counsel for the applicant outrightly contended that the applicant has been languishing in judicial custody since 04.06.2026, without there being any fault on his part. Ld. Counsel further submitted that the applicant has neither been previously convicted for any offence, nor is the applicant is a habitual offender and there are no chances of applicant's absconding and/ or fleeing from justice, if released on bail. Ld. Counsel further submitted that the applicant is a young boy aged about 22 years and earning his livelihood by fair means. It was further submitted that the applicant belongs to poor strata of the society and is responsible to take care of his aged parents and other family members. Even otherwise, it was argued that the allegations against the applicant are concocted and he has been falsely implicated in the present case. Ld. Counsel further submitted that investigation has already concluded, charge-sheet has already been filed and as such, the applicant is no longer required for any further custodial interrogation. As per Ld. Counsel, no fruitful purpose would be served by keeping the applicant in judicial custody any further. Lastly, it was submitted by the Ld. Counsel that 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.

4. *Per contra*, learned 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 grave in nature. Further, as per Ld. Addl. PP for the State, the allegations levelled against the applicant are quite serious in nature, entailing attraction of provisions under Section 311 BNS as the applicant deployed a dangerous weapon while committing robbery. Ld. Addl. PP for the State further submitted that in case bail is granted, there are chances of applicant inducing, threatening and/or coercing the witnesses, besides damaging material evidence. Ld. Addl. PP for the State further submitted that there is a reasonable likelihood of flight risk of the applicant, making the present application liable to be rejected to the outset. In support of the said contentions, reliance was placed upon the decision in; ***Gulfam @ Zahoor Vs. State, Crl. Appeal 391/2016 dated 03.02.2020 (DHC)***.

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

6. The quandary that surrounds the determination of bail is replete with multitudinous factors, involving establishment of a balanced approach between the conflicting interests. While on one hand, such an adjudgment involves safeguarding the right to liberty of an individual, while preventing harassment, humiliation, and unjustified detention of the accused, on the other hand, it entails ensuring free, fair and full investigation. Undeniably, liberty of an individual is valuable right, however, it is trite law¹ that such a protection cannot be absolute and there may be instances where the collective interest of the community may predominate the right² of personal liberty of an individual. Ergo, it is quite understandable that while exercising the discretion to grant or refuse bail the Court will have to take into

¹ *Masroor v. State of U.P., (2009) 14 SCC 286*

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

account various considerations¹, such as; *“the nature and seriousness of the offence; the circumstances in which the offence was committed; the character of the evidence; the circumstances which are peculiar to the accused; a reasonable apprehension of witnesses being influenced and evidence being tampered with; the larger interest of the public or the State; the position and status of the accused with reference to the victim and the witness; the likelihood of the accused fleeing from justice; the likelihood of the accused repeating the offence; the history of the case as well as the stage of investigation, etc...”*

Further, strikingly, it is a settled law² 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. Apposite to further note that though, the courts are required to give reasons at the stage of determination of bail, however, a detailed examination of evidence and elaborate documentation of the merits of the case is not required³ at such a stage. Further, court(s) cannot go into the question of credibility and reliability of the witnesses/evidence put up by the prosecution, which can only be tested during the trial⁴. Apposite to note in this regard that while considering an entreaty for bail, court(s) cannot be oblivious to the impact of grant thereof on the witnesses or the complainant. In fact, in this regard the superior courts⁵ have persistently cautioned that the impact of grant on bail on the witnesses, yet to be examined and/or victim is required to be duly considered by court(s), at the stage of such determination. Even

¹ *Anil Mahajan v. Commissioner of Customs*, 2000 SCC OnLine Del 119; and *Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496

² *Anil Mahajan v. Commissioner of Customs*, 84 (2000) DLT 854

³ *Jagjeet Singh v. Ashish Mishra*, (2022) 9 SCC 321

⁴ *Satish Jaggi v. State of Chhattisgarh*, (2007) 11 SCC 195

⁵ *Sudha Singh v. State of U.P.*, (2021) 4 SCC 781

otherwise, the superior courts¹ have also avowed that the impact of an offence on the society, equally needs consideration while determining on an entreaty for bail.

7. Therefore, being wary of the principles hereinunder noted, this Court outrightly observes that the primary contention of the Ld. Counsel for the applicant is that he has been wrongly roped into the present proceedings. However, in this regard it is outrightly asserted that a detailed scrutiny of the evidence or evaluation of their truth/veracity cannot be undertaken at the stage of bail, so as to prejudice either the prosecution's or the defence's case. Suffice it is for the present purpose to note that from a perusal of the documents placed on record, in particular, from the statements of the witnesses/victims, the applicant's complicity and active role in the commission of offence *prima facie* stands established, in so far as the applicant, is asserted to have robbed minor 'P', while brandishing blade at her. Further, from the possession of the applicant, such robbed article as well as blade are proclaimed to have been recovered. Further, it is the case of the prosecution that the applicant was apprehended near the place of occurrence, soon after the commission of the offence.

8. Consequently, in conspectus of the above and further keeping in view the nature and gravity of the allegations; the fact of applicant is involved in a crime of heinous nature; severity of the punishment which may be inflicted on conviction; role and complicity of the applicant as well as the *prima facie* incriminating evidence brought on record against him; manner of commission of offence; reasonable apprehension regarding the applicant's fleeing from justice, considering the rigorousness² of

¹ *Neeru Yadav v. State of U.P.*, (2016) 15 SCC 422.

² *Kuldeep v. State (NCT of Delhi)*, 2021 SCC OnLine Del 4218 and *Rahul Kumar v. State (UT of J&K)*, 2023 SCC OnLine J&K 323

the punishment involved; the proceedings in the instant case are still at a nascent stage and public persons are proposed to be adduced as prosecution witnesses; as well as further considering the impact of the offence on the society, this Court does not deem it fit to grant bail to the applicant at this stage.

9. Accordingly, the present application under Section 483 of BNSS for regular bail *qua* the applicant Deepak is ***dismissed***.

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 herein and would have no bearing on the factual matrix of the present case.

11. A copy of the present order be given ***dasti*** to the Ld. Counsel for the applicant, namely, Deepak. 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 (FTC-01), Central District,
Tis Hazari Courts, Delhi
08.08.2026