

State Vs. Farmaan

CNR No.: DLCT01-018221-2021

SC No.: 748/2021

FIR No.: 30/2021

Under Sections : 377/419/364A/347/120B IPC r/w Sections
25/27 Arms Act

P.S.: Daryaganj

18.08.2025

Present: Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Gaurav Bindal, Ld. Counsel for the applicant,
namely, Farmaan.

ORDER

1. The present application has been moved on behalf of the applicant, namely, Farmaan (*hereinafter referred to as the 'applicant/accused'*), in terms of the provisions under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*), seeking regular bail. Pertinently, the last bail application of the applicant was dismissed by this Court *vide* order dated 26.07.2024.

2. Learned Counsel for the applicant outrightly submitted that the applicant has been in judicial custody since 01.02.2021, without there being any chance of conclusion of trial anytime in near future. Further, as per Ld. Counsel, the applicant has been falsely implicated in the present case by the concerned police officials and he has nothing to do with the alleged offence, with which he has been charged with. Ld. Counsel further submitted that the co-accused persons, namely, Swapnil and Vijay @ Vijay Kumar have been granted bail by the Hon'ble High Court of Delhi *vide* orders dated 06.08.2025 and the applicant is seeking bail on the ground of parity to the said co-accused persons. Ld. Counsel further submitted that the victim and complainant have not supported the prosecution case and have turned hostile. It was further submitted that since the

investigation in the instant case has already concluded and the case is presently at the stage of prosecution evidence, no useful purpose would be served in keeping the applicant in continued detention. Further, as per the Ld. Counsel, the applicant is the sole bread earner of his family and belongs to a respectable family, as well as has deep roots in the society, 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 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.

3. *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 a grave offence. As per the Ld. Addl. PP for the State, there are chances that the prosecution's witnesses would be exposed to threat, coercion and/or undue influence and there is also a reasonable likelihood of flight risk of the applicant, besides there has been no change in circumstance since the applicant's dismissal of last bail application. Lastly, it was submitted by Ld. Addl. PP for the State that no ground for bail on the basis of parity of the co-accused persons is made out in the present case.

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*' and that¹ 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 01.02.2021 and in the meanwhile, co-accused persons, namely, Swapnil and Vijay @ Vijay Kumar have already been admitted to bail by the Hon'ble High Court of Delhi *vide* separate orders, both dated 06.08.2025. Notably, the role attributed to the applicant herein is akin to that of the said co-accused persons, who have already been admitted to bail by the Hon'ble High Court of Delhi. Accordingly, under such factual scenario, this Court is of the opinion that the balance clearly tilts in favour of the applicant at this stage on the ground of parity with the said co-accused persons.

7. Consequently, in conspectus of the above and further keeping in view the incarceration of the applicant in the present case since 01.02.2021 and in the meanwhile, co-accused

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*

persons, namely, Swapnil and Vijay @ Vijay Kumar have already been admitted to bail by the Hon'ble High Court of Delhi *vide* separate orders, both dated 06.08.2025 as well as considering the period of incarceration of the applicant and his overall jail conduct being '*satisfactory*' as per his nominal roll received from the concerned Jail Superintendent, 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, **Farmaan is *allowed***, and the said applicant is admitted to bail, upon furnishing of **personal bond of Rs. 15,000/- (Rupees Fifteen Thousand only)**, with one surety of like amount, 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, **Farmaan** is **disposed of as *allowed***.

11. **A copy of the present order be given *dasti* to the Ld. Counsel for the applicant, namely, Farmaan 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
18.08.2025