

21.04.2026

Present : Sh. Girish Giri, Ld. Addl. PP for the State.
Sh. Mithun Singh Rajput and Sh. Pramod Prabhakar,
Ld. Counsels for applicant/accused Deepak Kumar
@ Dharmender.
IO/SI Vipin Shokeen is also present.

1. Vide this order, this Court shall dispose of an application u/s 483 BNSS moved on behalf of applicant/accused Deepak Kumar @ Dharmender seeking regular bail.
2. Reply to the bail application has already been filed by the IO.
3. Submissions on the bail application heard and record perused.
4. Ld. Counsel for the applicant/accused submits that accused Deepak Kumar @ Dharmender is a young person and he has been falsely implicated in the present case. It is being further submitted that the applicant/accused is not named in the FIR and that there is no CCTV footage showing involvement of the applicant/accused in commission of alleged offence. It is further submitted that the chargesheet has already been filed and the material public witnesses i.e. PW1/Mohd. Faiyaz i.e. complainant and PW2 Ajay Malhotra have also been examined partly. It is further submitted that the applicant/accused is in JC since 17.03.2023 and it will take considerably long time to conclude the trial.
5. Ld. Counsel for the applicant/accused has further argued that grounds of arrest were not supplied in writing to the

applicant/accused by the IO in compliance of Sec. 50(1) Cr.PC and Article 22(1) of Constitution of India.

6. In support of his arguments, Ld. Counsel for the applicant/accused has relied upon following judgments :

- (i) *CBI vs. Amarmani Tripathi*;
 - (ii) *Prahlad Singh Bhati vs. NCT Delhi & Anr.*;
 - (iii) *Ram Govind Upadhyay vs. Sudarshan Singh & Ors.*;
 - (iv) *D.K. Basu vs. State of West Bengal (1997)*;
 - (v) *Prabir Purkayastha vs. State (NCT of Delhi) [Hon'ble Supreme Court, 2024 INSC 414*;
 - (vi) *Pranav Kuckreja vs. State (NCT of Delhi) [Hon'ble High Court of Delhi, Crl. M.A. 33389/2024 decided on 18.11.2024]*;
 - (vii) *Marfing Tamang @ Maaina Tamang vs. State (NCT of Delhi), Crl. MC 4391/2024 decided on 04.02.2025*;
 - (viii) *Vihaan Kumar vs. State of Haryana & Anr., arising out of SLP (Crl.) No. 13320/2024*;
 - (ix) *Sanjoy Suklabaida vs. State of Assam, decided by Hon'ble Gauhati High Court on 05.05.2025*;
 - (x) *Pankaj Bansal vs. Union of India & Ors. [2023] 12 SCR 14*;
- and
- (xi) *Mihir Raje Shsah vs. State of Maharashtra & Anr., Crl. Appeal No. 2195/2025 decided on 06.11.2025*.

7. Ld. Addl. PP for the State has strongly opposed the present application and has prayed for its dismissal. It is further contended that the applicant/accused is also found involved in other criminal cases of similar nature and there is a strong possibility of the applicant/accused indulging in the such cases if he is released on bail.

8. The case of the prosecution is that on 16.03.2023 at about 7 pm in front of Shop No. 80, C-Block, Azadpur Mandi, Delhi, the applicant/accused along with co-accused Raja and Shivam @ Ballu attempted to commit robbery of one black coloured bag containing an amount of Rs. 25,000/- to Rs.30,000/- from the possession of complainant Mohd. Faiyaz and while attempting to commit the aforesaid robbery, the applicant/accused caused injuries on the legs of complainant/victim Mohd. Faiyaz by using a country made pistol which was also recovered from the possession of the applicant/accused.

9. Perusal of record reveals that the charges for the offence u/s 393/394/34 IPC, u/s 398 IPC and 25/27 Arms Act have already been framed against the accused persons in the present case. The allegations against the applicant/accused are grave and serious in nature. According to the prosecution's case, the applicant/accused had fired upon complainant/victim Mohd. Faiyaz while committing robbery upon him and was apprehended at the spot itself. The Material public witnesses i.e. PW1/complainant Mohd. Faiyaz and PW2/Ajay Malhotra are under examination and they have only been partly examined and their further evidence is yet to be conducted. The possibility of the applicant/accused threatening the material public witnesses including the complainant/victim or tampering with evidence cannot be ruled out, if he is released on bail at this stage. The partly recorded testimony of the injured/public witness ought not to be analyzed at this stage lest the same may tantamount to expressing opinion on the merits of the case. Pertinently, the

applicant/accused is reported to be involved in other criminal cases of similar nature i.e. FIR No. 247/2021 u/s 392/394/397/120B/35 IPC & 25/54/59 Arms Act PS Adarsh Nagar and FIR No. 390/2023 u/s 392/397/34 IPC PS Mukherjee Nagar, hence, chances of his absconding or indulging in similar kind of crime also cannot be ruled out if he is released on bail.

10. As regards non-communication of grounds of arrest in writing to the applicant/accused, in *Vihaan Kumar vs. State of Haryana & Anr.* 2025 INSC 162 after considering the judgments of *Pankaj Bansal vs. Union of India & Ors.* [2023] 12 SCR 14 and *Prabir Purkayastha vs. State (NCT of Delhi)* [2024] 6 SCR 666, the Hon'ble Supreme Court held as under :

“Therefore, there is no harm if the grounds of arrest are communicated in writing. Although there is no requirement to communicate the grounds of arrest in writing, what is stated in paragraphs 42 and 43 of the decision in the case of Pankaj Bansal are suggestions that merit consideration. We are aware that in every case, it may not be practicable to implement what is suggested. If the course, as suggested, is followed, the controversy about the non- compliance will not arise at all.”

11. The judgments cited by the Ld. Counsel for the accused do not come in aid of the accused as facts and evidence of two criminal cases cannot be identical/same.

12. In the above facts and circumstances and considering the nature and gravity of offence and the punishment entailed for the charged offences, no ground is made out to grant bail to the applicant/accused, at this stage. **The present bail application is accordingly dismissed.**

13. It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

14. The present bail application accordingly stands dismissed and it be tagged with the main file.

15. Put up for purpose fixed on date already fixed i.e. **01.06.2026.**

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi
21.04.2026 (dv)