



2026:DHC:9072



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 12th October, 2026**# **CNR No. DLHC010493902026**+ **BAIL APPLN. 4342/2026 & CRL.M.A. 32146/2026****DEEPAK**

.....Petitioner

Through: Mr. Avinash Pandey, Advocate and
Mr. Mohammad Mhid, Advocate
Mob: 9654791504
Email: lawyers748@gmail.com

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for
State
Mob: 9871349009
SI Raju Sing, PS Roop Nagar

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of anticipatory bail to the petitioner, i.e., Sh. Deepak S/o Sh. Gagan Singh, in connection with the First Information Report ("FIR"), being *FIR No. 139/2026*, dated 07th August, 2026, under Sections 309(4)/309(6)/311/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS").
2. Issue Notice.
3. Notice is accepted by the learned Additional Public Prosecutor



(“APP”) for the State.

4. The relevant facts pertinent for the adjudication of the present application, culled out from the documents on record, are as follows:

4.1. The present FIR came to be registered on 07th August, 2026, pursuant to the statement of one Sh. Taresh Baisiwala, i.e., the complainant, who alleges that on the intervening night of 06th–07th August, 2026, at around 03:30 AM, four unidentified men burst inside his house. Out of the four men, two were wearing helmets.

4.2. The complainant alleges that while two of the said men grabbed him, the other two went inside his house and caught hold of his sleeping wife, tied her hands and feet, and stuffed a cloth in her mouth. The men, who grabbed the complainant beat him up and one of them even held a pistol to the complainant’s chest.

4.3. As per the complainant, the said individuals were armed with two pistols and one sharp knife and an iron rod. The said individuals ransacked the complainant’s house and looted jewellery and cash kept in the house.

4.4. The petitioner had earlier preferred an anticipatory bail application, being *Bail Matter 1961/2026*, before the Court of Additional Sessions Judge (“ASJ”) – 01, Central District, Tis Hazari Courts, Delhi. However, the said application came to be dismissed *vide* order dated 26th September, 2026.

5. Learned counsel appearing for the petitioner submits that there are four accused persons in the present case, who were wearing helmets, and that the name of the petitioner is included in the present FIR.

6. He, thus, submits that since there is likelihood of being arrested, the present petition has been filed.

7. On the other hand, learned APP for the State vehemently opposes the



present petition and draws the attention of this Court to the reply dated 07th August, 2026, filed on behalf of the State before the Sessions Court *qua* the anticipatory bail application filed by the petitioner before the Sessions Court.

8. He submits that the present is a very serious matter, wherein, four armed persons have committed robbery in the house of senior citizens at midnight.

9. He further submits that the name of the petitioner was disclosed by the co-accused. He further submits that one of the co-accused has also identified the petitioner in the CCTV footage.

10. Learned APP for the State submits that the Affidavit filed by the petitioner before this Court in terms of the directions passed by the Supreme Court in the case of ***Zeba Khan Versus State of U.P. and Others, 2026 SCC OnLine SC 188***, is also not proper.

11. He submits that in the said Affidavit, the petitioner has only stated that there are total eleven (11) criminal antecedents, whereas, the petitioner is involved in twenty-five (25) criminal antecedents.

12. In response, learned counsel appearing for the petitioner submits that he has stated only eleven (11) criminal antecedents, as the petitioner is likely acquitted in the other matters.

13. He submits that the petitioner is being framed and there is every likelihood of the petitioner being acquitted in the present matter also.

14. He, thus, prays that anticipatory bail be granted to the petitioner.

15. Having heard learned counsel appearing for the parties, this Court takes note of the replies filed on behalf of the State before the Sessions Court, wherein, the following further facts emerge:



- I. The present FIR has been registered on the basis of complaint made by a senior citizen that during the intervening night of 06th-07th August, 2026, four armed persons forcefully entered his house and assaulted him and his wife. A robbery was committed, wherein, gold and silver ornaments as well as cash and other valuable articles were taken at gun point.
 - II. The complainant has also stated that out of the four robbers, two had taken out their helmets and that he would be able to identify them.
 - III. After registration of the case, an intensive investigation has been undertaken and CCTV footage from that area has also been taken along the suspected escape route and examined.
 - IV. During the course of examination, Sh. Manoj @ Lala was arrested on 28th August, 2026, while, Sh. Rajeev @ Ramu and Saroj were arrested on 21st August, 2026.
 - V. During interrogation and further investigation, the accused persons have disclosed the involvement of other accused persons, including the present petitioner.
16. This Court notes the submission made by learned APP for the State that the role attributed to the petitioner is not peripheral in nature. His involvement has surfaced as part of the group which allegedly acted pursuant to a pre-arranged plan.
17. Thus, as per the State, the custodial interrogation of the petitioner is required to ascertain the complete chain of conspiracy, movement of the accused persons, and disposal/concealment of the robbery property and role of the remaining associates.



18. This Court also notes that the allegations against the petitioner relate to a serious and organised armed house robbery committed against elderly victims inside their residence at gunpoint. The nature and gravity of the offence and the manner in which it was allegedly planned and executed are material considerations while deciding the present application

19. This Court notes that the investigation is still in progress and substantial robbed property is yet to be recovered.

20. Thus, custodial interrogation of the petitioner would be required to ascertain the place/persons with whom the remaining jewellery, cash and other valuables have been concealed, transferred or disposed of.

21. It is to be noted that Supreme Court has held that custodial interrogation is far more effective in elucidating the truth than investigation, while the accused is protected by the Court.

22. Reference is made to the judgment of the Supreme Court in the case of the *State rep. by the C.B.I Versus Anil Sharma, (1997) 7 SCC 187*, wherein, it has been held as follows:

“xxx xxx xxx

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the



person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

xxx xxx xxx”

(Emphasis Supplied)

23. Further, fruitful reference may be drawn to the decision of the Supreme Court in the case of ***Srikant Upadhyay and Others Versus State of Bihar and Another, (2024) 12 SCC 382***, wherein, it has been stated that though power to grant anticipatory is an extraordinary power, however, the same has to be used with caution as it may lead to tampering, dissolution or destruction of evidence. The relevant portion of the said judgement reads as under:

“xxx xxx xxx

30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. *It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. **While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.** We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will*



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*not deprive the power of the court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously defying orders and keeps absconding is not entitled to such grant.
xxx xxx xxx”*

(Emphasis Supplied)

24. Having regard to the facts and circumstances of the present case, this Court does not consider it a fit case for grant of anticipatory bail to the petitioner.
25. Accordingly, the present bail application along with the pending application is accordingly dismissed.
26. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application and should not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at stage of the proceedings.

MINI PUSHKARNA, J

OCTOBER 12, 2026

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