



2025:DHC:7582



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 01.09.2025+ **BAIL APPLN. 3319/2025**

DEEPAK KUMAR

.....Petitioner

Through: Mr. Anand Nandan, Advocate

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State with
SI Rahul Kumar, PS NFC**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 256/2025 of PS New Friends Colony for offence under Section 309(6)/3(5) BNS.
2. Learned APP accepts notice and strongly opposes the bail application. At request of both sides, I have heard final arguments on this bail application at this stage itself.
3. The prosecution case as unfolded through FIR is as follows. On 05.07.2025, at about 11:30pm, when the complainant *de facto* was returning home from work and reached near Royce Hotel, C.V. Raman Road, suddenly two boys came running from behind and after stopping him demanded his mobile phone, to which he resisted. In the meanwhile, two more boys came and caught hold of him. When he tried to run away, one of



those boys hit a *danda* near left ear of the complainant *de facto*. When those boys were beating him up, one of them took out his Samsung M-15 mobile phone while the other boy snatched his black bag containing his spectacles and pen. Thereafter, all four boys fled away. Two of those four boys were naming each other as Manav and Vicky. Later, on interrogation of Manav, the present accused/applicant was arrested on 06.07.2025.

4. Learned counsel for accused/applicant contends that since the remaining accused persons have been released on bail, the present accused/applicant also deserves the same relief on parity. No other ground for bail has been raised.

5. On the other hand, learned APP submits that role of the remaining three accused persons was completely different in the sense that from the present accused/applicant, the robbed mobile phone was recovered and that the present accused/applicant was identified by the complainant *de facto* in the course of Test Identification Parade, whereas regarding the remaining accused persons, the Test Identification Parade failed.

6. In response to specific query, the IO has explained that the accused/applicant was arrested on 06.07.2025 and on the same day, the alleged recovery proceedings were conducted in which the allegedly robbed mobile phone was recovered from the room of the present accused/applicant and thereafter on 08.07.2025, Test Identification Parade application was filed and finally the Test Identification Parade was carried out on 14.07.2025.



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7. It is contended on behalf of accused/applicant that the alleged recovery proceedings having been conducted on 06.07.2025 itself, it is clear that the accused/applicant was shown to the complainant *de facto*, due to which the Test Identification Parade succeeded.

8. Learned counsel for accused/applicant further contends that the room from where the mobile phone was allegedly recovered is occupied by the present accused/applicant as well as co-accused Manav, so it is not the recovery from exclusive possession of the accused/applicant.

9. Further, it is informed by both sides that the complainant *de facto* already stands examined before the trial court and no other public witness remains to be examined.

10. Considering the above circumstances, the bail application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court. Copy of this order be sent to the concerned Jail Superintendent for being immediately conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 01, 2025/as