



2026:DHC:9316



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

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Date of Decision: 16.10.2026# **CNR No. DLHC010360332026**+ **BAIL APPLN. 3167/2026****SHAHIRUKH**

.....Petitioner

Through: Mr. Ali Aariz, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Investigating Officer/SI Pramod
Kumar and Investigating Officer/SI
Dharmender**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.335/2024 of PS Patel Nagar for offence under Section 305/61(2)/331(4)/3(5)/123/317(2) BNS.

2. Broadly speaking, prosecution case is as follows. On the ill fated night, the accused/applicant along with his associate broke open grill of the door of the house of the complainant *de facto* and committed theft of

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Rs.77,00,000/- cash, some jewellery, mobile phones and even DVR of the CCTV installed there. According to prosecution, the accused persons were tipped off by maid of the complainant *de facto*. After the alleged theft, the accused/applicant and his associate were apprehended while travelling in a car and were found to be carrying Rs.67,50,000/- in cash, two mobile phones of the complainant *de facto* and even identity card of his daughter. During investigation, it came out that the said car had been purchased by the present accused/applicant for Rs.4,23,500/- paid in cash out of the stolen amount. During investigation it also came out that the maid, who had tipped off the accused persons had administered sleeping pills to the complainant *de facto* and his wife to facilitate the theft and the stolen DVR of CCTV was recovered from her room.

3. Learned counsel for accused/applicant contends that there is no reliable evidence against the accused/applicant which can justify his continued incarceration. It is submitted that the CCTV footage depicts two masked men cutting open grill of the house and they cannot be identified as the accused persons.

4. Learned APP for State assisted by Investigating Officer/SI Pramod Kumar and SI Dharmender strongly opposes the bail application, contending that apart from the CCTV footage, there is also evidence in the form of mobile phone tower location of both thieves on the spot at late night. Besides, it is also submitted that the CCTV footage obtained from same

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locality immediately before and after alleged theft clearly show the clothes worn by the accused persons and their faces.

5. The Investigating Officer has played the CCTV footages depicting the cutting of grill by the accused/applicant and his associate, as alleged by prosecution. The accused/applicant is depicted wearing a medical mask while the co-accused has covered his face in that footage, and they are depicted cutting open the grill after carefully watching around in the staircase. The other CCTV footage depicting the thieves taking away the stolen articles in a suitcase depicts the accused persons without any mask.

6. Besides that, there is also no convincing explanation as to from where the cash amount of Rs.67,50,000/- came to the accused/applicant. It is contended by learned counsel for accused/applicant that the same was planted on him. But keeping in mind the enormity of the cash amount, it does not sound convincing that the police officials would be able to afford to plant such amount and it is nobody's case that the accused/applicant had any enmity with anyone, who got him booked in this case by giving money for being planted.

7. Of course, the above discussion has been recorded only while analyzing the rival arguments and the same shall not be read to the prejudice of the accused/applicant by the trial court. The trial court shall take independent view on the basis of material available on record.

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8. It is submitted by learned prosecutor that the public witnesses are yet to be examined before the trial court, so if bail is granted, the accused/applicant would pressurize the witnesses.

9. Keeping in mind the above circumstances, I do not find it a fit case to grant bail at this stage. Therefore, the bail application is dismissed.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

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**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 16, 2026/ry