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

% *Date of Decision: 17.11.2026*

\# **CNR No. DLHC010423902026**

\+ **BAIL APPLN. 3746/2026,CRL.M.(BAIL) 2070/2026 & CRL.M.A. 27819/2026**

SANDEEP .....Petitioner

Through: Mr. Suraj Prakash Sharma and Mr. Pranav Prakash Sharma, Advocates

versus

THE STATE (NCT OF DELHI) & ANR. .....Respondents

Through: Mr. Amit Ahlawat, APP for State with Ms. Megha Garg, Advocate with SI Sachin

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 696/2026 of PS Karol Bagh for offence under Section 310(4)/61(2)/3(5) BNS and Section 25/54/59 Arms Act.

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2. In furtherance of last order, status report was filed. I have heard learned counsel for accused/applicant and learned APP for State, assisted by Investigating Officer/SI Sachin.

3. Broadly speaking, allegation against the present accused/applicant is that he was preparing to commit dacoity and from his possession one pistol was recovered. According to prosecution case, on 13.06.2026, on receipt of DD No. 60 from PS Karol Bagh, the Investigating Officer/SI Sachin with his staff reached the spot near a shop in Karol Bagh; and there, HC Jasbir and Constable Mohit produced the co-accused Sumit, who was found in possession of one pistol and one country-made pistol. On the basis of confessional statement of co-accused Sumit, it got revealed that the present accused/applicant and other co-accused persons had hatched conspiracy to commit robbery of gold articles. Subsequently, after about two days, the present accused/applicant was apprehended and from his possession, one pistol was recovered.

4. Learned counsel for accused/applicant submits that he is innocent and has been arrested without any cogent evidence. It is submitted that the accused/applicant is in custody since 15.06.2026 and is not required for investigation.

5. Learned APP for State, assisted by Investigating Officer/SI Sachin, strongly opposes the bail application on the ground of gravity of the offence alleged against the accused/applicant. During the course of arguments, the Investigating Officer also played in the courtroom CCTV footage and stated

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that the same depicts the accused/applicant fleeing from the spot after the co-accused Sumit was apprehended by HC Jasbir. Learned APP for State also submits that there is also telephonic connectivity between the accused/applicant and co-accused Sumit.

6. So far as the alleged telephonic connectivity is concerned, I am of the considered view that merely on the basis of call detail records, no criminality can be imputed unless some phone call is intercepted to find out as to what was being spoken.

7. The only evidence against the accused/applicant is the alleged recovery of pistol from him. Mere recovery of a weapon, *prima facie*, does not establish the offence of preparation for dacoity.

8. So far as the CCTV footage is concerned, the same depicts the accused/applicant speaking with someone over mobile phone on the footpath in front of some shops and after some time, he sits on his scooty and drives away. From the movements of the accused/applicant, it does not appear to be a case of his "fleeing away" from the spot, since he is depicted dusting the seat of his scooty, tying a cloth on his face to escape the heat wave, wearing his helmet and then driving away. Even according to the Investigating Officer, only two persons are visible in that CCTV footage. I am of the *prima facie* view that there is not sufficient evidence to show involvement of the accused/applicant in preparation of dacoity. However, on this aspect, learned trial court shall take independent view on the basis of evidence on record.

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9. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate. Accompanying applications also stand disposed of.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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GIRISH KATHPALIA
(JUDGE)

NOVEMBER 17, 2026/*as*

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