



2026:DHC:542



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.01.2026

+ **BAIL APPLN. 4960/2025**

ABDUL AHAD

.....Petitioner

Through: Mr. Vikas Agarwal, Mr. Shiv Kumar
Kushwah and Ms. Priya Gutpa,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Mahavir and SI Amit
Kumar

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

CRL.M.A. 38273/2025 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 38272/2025 (exemption from filing reply dt. 29.08.2025)

2. For the reasons mentioned therein, the application is allowed.

BAIL APPLN. 4960/2025

3. The accused/applicant seeks regular bail in case FIR No. 945/2023 of
PS DBG Road for offence under Section 392/394/34 IPC.

4. Broadly speaking, prosecution case is that on 05.11.2023, at about



08:00pm the accused/applicant was driving his scooter with co-accused Arbaz sitting pillion. The accused/applicant snatched mobile phone of the complainant *de facto* and handed over the same to Arbaz. When the mobile phone was snatched, the complainant *de facto* caught hold of the scooter from behind and seeing that the accused/applicant sped away after the complainant *de facto* fell down on road. The incident was noticed by few public persons and two police officials passing by the area. The co-accused Arbaz succeeded in escaping and fled away while the accused/applicant was apprehended by police. Since that day, the accused/applicant is in custody.

5. Learned counsel for accused/applicant submits that co-accused Arbaz has already been granted bail on 08.08.2025. It is further submitted by him that the complainant *de facto* has already been examined before the trial court and she has not supported prosecution case to the extent of identifying the accused/applicant.

6. Learned APP assisted by IO/SI Amit Kumar and SI Mahavir opposes the bail application on the ground that the complainant *de facto* also sustained injuries on account of fall while trying to stop the scooter of the accused/applicant.

7. Considering the overall circumstances, especially the period of incarceration of the accused/applicant coupled with the inability of the complainant *de facto* to identify the accused/applicant during trial and grant of bail to the co-accused, I find no reason to deprive liberty to the present accused/applicant.



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8. The bail application is allowed and it is directed that the accused/applicant 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 Trial Court.

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

**GIRISH KATHPALIA
(JUDGE)**

JANUARY 22, 2026

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