



2025:DHC:1968



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 25.03.2025*+ **BAIL APPLN. 140/2025 & CRL.M.A. 907/2025**

SIFARISH KHAN

.....Petitioner

Through: Mr. Bibek Tripathi and Mr. Ajay Kr.  
Shrivastav, Advocates

versus

THE STATE (GOVT OF NCT)

.....Respondent

Through: Mr. Richa Dhawan, APP with SI  
Rajender, P.S. Kotla Mubarakpur**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The petitioner seeks to be released on bail in case FIR No. 346/2024 of P.S. Kotla Mubarakpur for offences under Sections 319(2)/318(4)/61(2) of BNS.

2. Broadly speaking, prosecution case is as follows. On 05.10.2024, a complaint was lodged before the local police by one Shri Ravinder Sharma, alleging that on suggestion of his friend Sanjay to the effect that from Nepal, gold at rates 30% cheaper can be purchased, in order to do so on 03.10.2024 accompanied with his nephew Aman, carrying cash Rs.11,00,000/- he went to South Extension Metro Station Gate No. 3, where on directions of Sanjay, he met one Deepak, who led them to office in J-Block South Extension Part I. There he handed over Rs. 11,00,000/- to Deepak and the latter handed



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over gold in a bag, offering to deliver the bag in the car of the complainant. Thereafter, complainant, Deepak and Aman started walking towards the car. In the meanwhile, on a Pulsar motorbike two persons came, who were wearing police shoes and khaki pants and one of them who was carrying a “pistol-like instrument” snatched the gold bag and asked them about the same. Seeing this, Deepak and Aman fled away and the persons on motorbike started following them. Subsequently, those motorcycle-borne snatchers fled away. The incident occurred on 03.10.2024 at 01:00 AM but the complainant lodged his complaint on 05.10.2024.

3. The allegation against the present petitioner is that the Pulsar motorbike on which the alleged snatchers came was owned by the petitioner. In this regard, the only evidence is a statement under Section 161 Cr.P.C of one Vijay Kumar, son of the registered owner of the bike, who stated that some time in the year 2019, his father had sold away that bike to the present petitioner but neither he had any document of sale nor did he remember date or month of the alleged sale. Father of Shri Vijay Kumar is alive as per the IO but was not examined because according to IO, the said person (*who is registered owner of the bike*) is an old man.

4. Apart from that, the evidence connecting the petitioner with the alleged offence is Call Details Record (CDRs) as per which there were phone calls exchanged between the present petitioner and co-accused Akhileshwar and Badshah Khan @ Deepak. But the shocking part is that despite spending about 15 minutes on the investigation file, the IO/SI



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Rajender could not find out any document of ownership of the telephones, which are reflected in the CDRs, alleged to be of the petitioner and co-accused persons.

5. No other evidence connecting the present petitioner with the alleged offence has been collected in investigation. And despite this, the petitioner is suffering incarceration since 15.11.2024.

6. Under these circumstances, the bail application is allowed and petitioner is released on bail subject to his furnishing personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Trial Court. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the petitioner. Pending application also stand disposed of.

**GIRISH KATHPALIA  
(JUDGE)**

**MARCH 25, 2025/rk**

*Click here to check corrigendum, if any*