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IN THE HIGH COURT OF DELHI AT NEW DELHI*Reserved on: 22.11.2025**Date of Decision: 06.12.2025*

+ CRL.M.C. 4124/2025, CRL.M.A. 18246/2025 & CRL.M.A. 31115/2025

STATE (GOVERNMENT OF NCT, DELHI)Petitioner

Through: Mr. Sanjeev Bhandari, ASC for
State with Mr. Arjit Sharma and Ms. Sakshi
Jha, Advs.

versus

VIKAS TOMAR

.....Respondent

Through: Mr. Sunil Kumar Mittal,
Mr. Anshul Mittal, Mr. Arun Kumar,
Mr. Madhur Tyagi, Mr. Sarthak Tagra and
Ms. Ayushi Agarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The instant petition has been filed under Section 483(3) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ has been filed on behalf of the petitioner/State (GNCTD)/prosecution seeking setting aside of the order dated 31.05.2025² passed by the learned ASJ, Tis Hazari Courts, Delhi in case arising out of FIR No. 167/2025, registered at Police Station – Paschim Vihar (East) for the offences punishable under Sections 103(1)/61(2)/318(3)/49/249/3(5) of the Bharatiya Nyaya Sanhita, 2023³ and Sections 25/27 of the Arms Act, 1959⁴, whereby, the respondent was granted anticipatory bail.

¹ Hereinafter “BNSS”

² Hereinafter “impugned order”

³ Hereinafter “BNS”

⁴ Hereinafter “Arms Act”



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Factual Matrix

2. On 11.04.2025, a PCR call vide DD No. 20A was received at Police Station Paschim Vihar (East), informing that an unknown person had been shot by unidentified assailants and was lying inside a vehicle near State Bank Nagar, Outer Ring Road, towards Vikaspuri, Delhi. Upon receiving this information, ASI Rajesh reached the location and found a Toyota Fortuner bearing registration No. DL5CP4500 in a crashed condition against the central verge of the road, with firearm marks visible on its body. The injured occupant had already been moved to Sehgal Neo Hospital, where he was declared brought dead. The deceased was identified as Raj Kumar. On the basis of a written complaint submitted at the police station on the same date, FIR No. 167/2025 was registered initially under Section 103(1) of the BNS and Sections 25/27 of the Arms Act.

3. During the early stage of investigation, CCTV footage from the area was collected and analyzed. From this footage, four individuals, namely Suraj, Taran @ Taranjeet, Shubham Sharma and Shokeen were identified as the alleged shooters involved in the incident. On the following day, i.e., 12.04.2025, a message posted on a Facebook account named “Nandu” went viral on social media. In this message, the author of the account/post claimed responsibility for orchestrating the murder and attributed it to an ongoing rivalry between two criminal groups known as the “Manjeet Mahal” gang and the “Kapil Sangwan @ Nandu” gang. This social-media communication became part of the investigation record.

4. Subsequently, it was revealed during investigation that after the incident, the four shooters travelled from Delhi to Lucknow via



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Nainital on 12.04.2025, where they were allegedly sheltered and provided financial support by two accused persons, namely Rahul Bajpai and Akash Mishra.

5. On 22.04.2025, Shubham Sharma and Shokeen were detained by the authorities at Lucknow Airport due to an active Look-out Circular and were thereafter formally arrested by Delhi Police on 30.04.2025. The remaining two accused shooters, Suraj and Taran @ Taranjeet, were apprehended on 02.05.2025 from Gujarat, where they were allegedly preparing to travel abroad using forged passports arranged with the assistance of their gang leaders, who were believed to be operating from foreign locations.

6. During the interrogation of accused Sandeep @ Monu, who was arrested on 03.05.2025, it was disclosed that on 09.04.2025, i.e., three days before the fatal incident, he had delivered a sum of Rs. 4 lakhs to the shooters at Royal Dhaba, Murthal, Haryana, for their logistical needs and for the execution of the planned offence. He further stated that this amount was provided to him by Vikas Tomar, the present respondent.

7. As investigation progressed, additional statutory provisions were invoked in the case. Various sections of the BNS, including Sections 61(2), 318(3) and (4), 49, 249, 238A, 336(3), 340(2), and 3(5), were added. Subsequently, Section 111 of the BNS was also incorporated against those accused persons who were found to have more than two criminal cases in the preceding ten years, which, as per the prosecution, included the respondent herein.

8. Acting on the disclosures of Sandeep @ Monu, the investigating officers conducted raids at the residence of the



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respondent, Vikas Tomar, on 20.05.2025 and 21.05.2025. On both occasions, he was not found present. Accordingly, notices requiring him to join the investigation were affixed at the entrance of his residence, and his father was also informed of the requirement to secure his appearance.

9. On 27.05.2025, the respondent filed Bail Application No. 893/2025 before the Court of the learned ASJ, seeking anticipatory bail. On 28.05.2025, the learned ASJ granted interim protection and directed him to join the investigation. The respondent appeared before the investigating agency along with counsel, submitted his response, and was further directed to remain present at his residence on 29.05.2025 so that the investigating team could verify the facts disclosed by him. The record states that on 29.05.2025, the respondent allegedly reached his residence late and thereafter left the premises without informing the police team. On 31.05.2025, the learned ASJ passed the impugned order, granting anticipatory bail to the respondent. The order recorded the submissions of the respondent regarding his asserted false implication and his stated willingness to cooperate in the investigation.

10. Thereafter, the State preferred the present petition seeking cancellation of the anticipatory bail granted to the respondent, thereby, setting aside the order dated 31.05.2025.

Submissions of the petitioner

11. Mr. Sanjeev Bhandari, learned ASC, appearing for the State, submits that the order dated 31.05.2025, granting anticipatory bail to the respondent, is erroneous and liable to be set aside. It is contended that the respondent has played a significant role in the larger criminal



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conspiracy arising out of the instant FIR, which concerns the murder committed on 11.04.2025, linked to the ongoing enmity between the Manjeet Mahal gang and the Kapil Sangwan @ Nandu gang. It is submitted that the investigation has revealed that an amount of Rs. 4 lakhs were delivered to the shooters on 09.04.2025 at Royal Dhaba, Murthal, and this amount, as per the disclosure statements of co-accused persons including Sandeep @ Monu, was provided by the respondent herein.

12. It is further urged that the respondent was in regular contact with the gang leader Nandu and other accused persons before, during and after the commission of the offence, as reflected through the CDR⁵ and IPDR⁶ analysis. The respondent's mobile phone, which is crucial for verification and scrutiny of digital evidence, has not been produced despite repeated directions. The respondent has given inconsistent explanations regarding his mobile device, variously claiming that it was lost, stolen (for which he has produced an NCR dated 06.05.2025), or thrown into a river all of which indicates deliberate evasion and non-cooperation.

13. It is submitted that repeated attempts were made to secure the respondent's presence, including raids conducted on 20.05.2025 and 21.05.2025, but he was not found at home. Notices requiring him to join the investigation were affixed at his residence. Thereafter, even after interim protection was granted on 28.05.2025, the respondent allegedly did not cooperate. Learned ASC points out that on 29.05.2025, when the police visited his residence pursuant to the

⁵ Hereinafter, "Call Data Records"

⁶ Hereinafter "Internet Protocol Detail Record"



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Court's direction, the respondent appeared late and then quietly left the premises without informing the investigating team. This conduct, it is urged, demonstrates that the respondent is a flight risk and has deliberately avoided fair investigation.

14. It is submitted that custodial interrogation of the respondent is essential to establish his network of connections with co-accused persons, to recover his mobile phone, to trace further conspiratorial links, and to prevent future incidents. It is contended that the learned ASJ erred in inferring that the investigation agency did not wish to arrest the respondent merely because a notice to join investigation was pasted on his residence. It is contended that the notice was issued only to initiate the process of declaring him a proclaimed offender since repeated raids had failed.

15. Beyond the material already placed before this Court, additional incriminating circumstances have emerged from the investigation record which were not adequately considered by the learned ASJ while granting anticipatory bail. The digital evidence, including detailed CDR, WhatsApp logs, and IPDR, reveals patterns of communication wholly inconsistent with the respondent's claimed innocence. On 09.04.2025, the day immediately preceding the murder, there were thirty-seven WhatsApp calls exchanged between the respondent and co-accused Sandeep @ Monu, with no ordinary voice calls at all, indicating a conscious shift to encrypted platforms such as WhatsApp, and later to the Signal App, which the respondent falsely denied ever using. These communications coincide with other material showing coordination, such as a photograph of Royal Dhaba, Murthal, sent to the respondent at 2:38 PM on the same day, precisely the time



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when the shooters were provided Rs.4 lakhs at that location. The proximity of these events strongly suggests the respondent's participation in the logistical chain that enabled the commission of the offence.

16. Learned ASC further submits that the record contains independent statements corroborating the respondent's involvement in the flow of funds. Witnesses Vijay and Bijender have confirmed that they participated in a conference call in which both the respondent and co-accused Sandeep @ Monu jointly sought an amount of ₹2.5 lakhs, purportedly to be returned later. This conduct demonstrates that the respondent was not merely settling a private debt of ₹50,000/-, as he later claimed, but was actively assisting in raising larger sums connected with the conspiracy. In addition, another witness, Mohit, has stated that on 09.04.2025 the respondent met Sandeep @ Monu at Gufa Wala Mandir on an urgent basis. This statement further aligns with the prosecution's timeline and contradicts the respondent's subsequent explanation of a monetary dispute.

17. The initial chargesheet in the matter was filed on 24.07.2025 against thirteen accused persons under the aforementioned BNS provisions and the Arms Act. The chargesheet notes that investigation remained ongoing in respect of other suspects and pending recoveries including the respondent herein.

18. It is submitted that during further investigation, accused Naveen @ Doctor, described as an old member of the Nandu gang, was arrested on 07.10.2025. It is stated that the weapon of offence, namely *one semi-automatic pistol and three live cartridges* allegedly used by the shooters in the incident, was recovered from his residence at his



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instance. The prosecution further submits that according to his disclosure, other gang members are in possession of the remaining weapons, and therefore, efforts are ongoing to identify and arrest such persons and recover those weapons.

19. The State also submits that during interrogation, accused Naveen @ Doctor disclosed that he had known respondent Vikas Tomar since 2018, stating that they met in Rohtak Jail, as both were associated with the Nandu gang. It is further stated that after their release from jail, both collaborated in liquor shop contract business in Haryana, and that Vikas Tomar invested money in this business.

20. Around eight to nine months prior to the incident, Naveen @ Doctor attended a condolence ceremony at the village of respondent Vikas Tomar. At this gathering, Vikas Tomar and co-accused Sandeep @ Monu @ Chintoo made him to download the Signal App, following which he was made to communicate with gang leader Kapil Sangwan @ Nandu. The prosecution asserts that thereafter, Naveen @ Doctor regularly communicated with Nandu on Signal using the Signal ID “KS” and remained in direct touch with both Nandu and respondent Vikas Tomar.

21. The State submits that initial tasks were assigned to Naveen @ Doctor by gang leader Nandu, including reconnaissance of a potential target in Rohtak. The prosecution states that although Naveen @ Doctor declined to act on that specific assignment due to personal circumstances, he nonetheless assured Nandu of help in future tasks.

22. The CDR and IPDR analysis of the mobile number of Naveen @ Doctor are also of utmost importance. The State asserts that this electronic analysis supports and corroborates his disclosure statement,



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demonstrating that he was in regular and consistent contact with gang leader Nandu and respondent Vikas Tomar, including before, on, and after the date of the incident of 11.04.2025. It is further submitted that all three, Nandu, Vikas Tomar, and Naveen @ Doctor, were in contact on 09.04.2025, the date on which Rs.4 lakhs was allegedly delivered to the shooters near Royal Dhaba, Murthal.

23. The State also submits that during a face-to-face confrontation between respondent Vikas Tomar and accused Naveen @ Doctor, both admitted the facts disclosed by Naveen @ Doctor and by co-accused Sandeep @ Monu @ Chintoo. The prosecution relies on this confrontation as strengthening the link between the respondent and the wider conspiracy.

24. The State further submits that Section 111 BNS has been added during further investigation against all accused persons, including Vikas Tomar and Naveen @ Doctor, on the ground that each has more than two criminal cases in the last ten years. This addition, according to the State, arises from the organized-crime character of the alleged activities linked to the Nandu gang.

25. The respondent's prior criminal involvements, including serious offences such as murder, were not considered by the learned ASJ. It is also submitted that the organized crime syndicate involved in the case remains active, with other cases of extortion recently registered against its members in Delhi and Gurugram, which increases the likelihood of interference with the investigation and witnesses if the proper opportunity to interrogate is not granted. Learned ASC, therefore, prays that the anticipatory bail granted to the respondent be cancelled and the impugned order be set aside.



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Submissions of the respondent

26. *Per Contra*, Mr. Sunil Mittal, learned counsel for the respondent submits that the respondent has been falsely implicated in the matter and has no role in the commission of the alleged offences. It is contended that no specific allegations were levelled against him in the initial stage of the investigation and that the FIR did not name him. It is submitted that the respondent is a law-abiding citizen with deep roots in society, thereby negating any apprehension of absconding or tampering with evidence.

27. The respondent submits that he joined the investigation immediately upon receiving interim protection on 28.05.2025, appeared before the Investigating Officer along with counsel, and answered all questions. It is argued that the allegation of non-cooperation is unfounded and that the respondent has demonstrated full willingness to participate in the investigation whenever required. The respondent also contends that he was directed to remain at his residence on 29.05.2025, and he complied with the direction, and any assertion that he “escaped” from the residence is denied and submitted to be a misrepresentation by the investigating agency.

28. The respondent further submits that the impugned anticipatory bail order dated 31.05.2025 was passed after hearing both sides and upon the Court being satisfied that custodial interrogation was not necessary. It is pointed out that the investigation has substantially progressed, and the charge-sheet was filed on 24.07.2025, thereby reducing any need for arrest. It is submitted that continued protection is justified as the respondent has never misused liberty.



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29. The respondent submits that several important legal and factual circumstances, reflected in the record but not fully adverted to, militate against the State's request for cancellation of anticipatory bail. The respondent relies on the finding of the learned ASJ that mere delivery of money, even assuming it occurred, cannot constitute an offence in the absence of evidence that the respondent knew the money was to be used for committing any crime.

30. The respondent disputes the State's reliance on disclosure statements of co-accused persons, contending that such statements are inadmissible in evidence and cannot form the basis for cancellation of bail. He submits that no recovery has been made from him, nor has any material been found that directly links him to the alleged conspiracy. He argues that mere CDR proximity or social contact cannot constitute incriminating material, especially when the alleged gang leaders and co-accused persons are known to many individuals within the region.

31. The respondent also contends that the allegations regarding his mobile phone are baseless. He asserts that he has given a consistent explanation for the unavailability of his previous device and that the investigating agency is falsely suggesting inconsistency to create grounds for custodial interrogation. The learned counsel for the respondent submits that the respondent has already explained the circumstances under which his mobile phone became unavailable. It is submitted that the phone had genuinely gone missing, and that the respondent accordingly lodged a formal complaint regarding the loss. In support of this contention, the respondent relies upon the complaint/NCR dated 06.05.2025. It is submitted that no prejudice is



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caused to the investigation since the prosecution already possesses extensive CDR and IPDR.

32. It is further submitted that other co-accused persons with allegedly more serious roles, such as Manoj Yadav, who was alleged to have supplied arms, and others who provided SIM cards, have already been granted bail. The respondent therefore claims parity, arguing that his alleged role, even as per the prosecution's case, is less significant than that of several other accused who have been enlarged on bail.

33. The present petition is an attempt to reopen and re-argue issues already considered by the Sessions Court, and that cancellation of anticipatory bail requires demonstration of supervening circumstances or misuse of liberty, neither of which are present in this case. Thus, it is prayed that the present petition may be dismissed.

Analysis and findings

34. Heard learned counsel for the parties and perused the material available on record.

35. The short question before this Court is whether the impugned anticipatory bail order dated 31.05.2025 passed by the learned ASJ is liable to be set aside because, as per the learned ASC, it proceeds by going into the merits to an impermissible degree, decides credibility and weighs evidence that a bail court must not finally adjudicate, and that it ignored the ongoing and further investigative steps which are crucial to the case. The bone of the contentions advanced by the petitioner is that the investigation material available on the record show that the learned ASJ did in fact traverse the forbidden waters and that such errors are material.



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36. The legal proposition is well settled. A court considering a bail application must exercise its discretion cautiously and sparingly, thereby, weighing risk of absconding, likelihood of tampering with witnesses or evidence, gravity of the offence, strength of *prima facie* case and whether further custodial interrogation is necessary. However, it must not ordinarily conduct a mini trial on the ultimate credibility of witnesses or the full weight of the prosecution's evidence. The State's responsibility to show *prima facie* case is important, but a full evaluation of evidence must be undertaken at the stage of trial and not at the stage of deciding a bail application otherwise it might lead to pre-trial acquittal.

37. A recent judgment of the Hon'ble Supreme Court, passed in *State of Karnataka v. Sri Darshan*⁷, summarizes the principles mentioned in the preceding paragraphs. It states that bail orders must indicate *prima facie* reasons when granting bail, the Court must not decide the full merits, and discretion must be exercised in light of nature and gravity of offence and other contextual facts. Orders bereft of cogent reason can be set aside. It further notes that the court adjudicating upon a bail application, if undertakes an assessment of the aspects mentioned hereinabove, amounts to a premature appreciation of the probative value of prosecution evidence.

38. Further, the Hon'ble Supreme Court's judgment in *Ashok Dhankad v. State (NCT of Delhi)*⁸ addresses the principles governing the grant and cancellation of bail, especially in cases involving grave offences. The Hon'ble Court reiterated that bail is a discretionary judicial remedy requiring a careful balance between individual liberty

⁷2025 SCC OnLine SC 1702



and the interests of justice. While personal liberty is a constitutional value protected under Article 21, it must not be interpreted in a way that undermines the seriousness of heinous crimes or erodes public confidence in the justice system. The Court emphasized that liberty and societal order must coexist, and therefore, judicial discretion in bail matters must be exercised with due regard to the nature and gravity of the offence, the prima facie evidence, the likelihood of tampering with witnesses or evidence, and the necessity to ensure a fair trial.

39. Now advertent to the instant case. An offence of murder has taken place in the instant case. Here, the learned ASJ's bail order contains serious legal flaws. It gives no cogent reasons for granting bail in a case involving such complications and allegations against, not only a single person, but all the other accused persons, which point towards the commissions of offence in an organized and sophisticated manner.

40. The impugned order, on the face of it reflects a mechanical use of discretion while omitting key facts. It improperly examined disclosure statements at the pre-trial stage, assessing the evidence that only the trial court can evaluate. Granting bail without properly considering the gravity of the offence, the accused's role, or the real risk of interference, especially in view of testimonies of co-accused persons and digital evidence, and strong circumstantial evidence, makes the order perverse and unjustified. The liberty granted threatens the fairness of the trial and endangers the administration of justice.



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41. The prosecution's material shows a complex, multi-faceted investigation which the learned ASJ ought to have considered when deciding the bail application. The FIR arises from a murder which took place on 11.04.2025. Early investigation identified four shooters, movement of accused across States, alleged sheltering by third parties and an asserted cash delivery of Rs.4 lakhs on 09.04.2025. According to the disclosure recorded from Sandeep @ Monu after his arrest, that cash was provided by the respondent and handed over to the shooters at Royal Dhaba, Murthal. This disclosure is set out in the chargesheet. Moreover, respondent was asked to join investigation immediately after the arrest of Sandeep @ Monu and upon his disclosure.

42. The record also contains contemporaneous digital material of significance. The investigating agency relies on CDRs and IPDRs, WhatsApp call logs and communications on apps such as Signal to show regular contact between the respondent and co-accused persons on the relevant dates. The record contains material pointing to thirty-seven WhatsApp calls on 09.04.2025 (the day the money was allegedly delivered), a photograph of Royal Dhaba with a timestamp of 2:38 PM on the same day sent to the respondent, and conference calls connecting the respondent, Sandeep and a third person (Vijay). The prosecution has placed these details squarely before the Court as corroborative circumstances that justify further investigation.

43. Importantly, the investigation is not closed. The chargesheet and status reports record that further investigation remains pending in relation to several persons including the respondent, that supplementary chargesheets are to be filed, and that weapons and other incriminating material have been recovered later from newly



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arrested accused. Some communications are on secure or foreign platforms where assistance may be difficult to obtain as per the petitioner. For these reasons the investigating officer has emphasized that custody or control of the respondent's device, forensic analysis and IP tracing are vital steps to connect the various pieces of material and to determine the respondent's role in the larger criminal conspiracy.

44. The learned ASJ's order treats some of these investigative realities as reasons to grant anticipatory bail and, in places, to accept the respondent's explanation. The learned ASJ observed that link, if any, could be established only by tracing IP addresses electronically and, on that basis, concluded custodial interrogation was not strictly necessary. The learned ASJ also noted that non-production of the phone and certain contradictions in the prosecution case were not sufficient to refuse relief. By doing so the learned ASJ moved beyond a provisional assessment and effectively decided, as a matter of substantive fact, that the technical investigative lines were unnecessary, a conclusion that curtailed investigative options that the prosecution had placed before the court.

45. This approach is impermissible for two principal reasons. *First*, when the prosecution puts on record that custodial interrogation and physical control of devices are necessary to obtain presently available evidence from secure apps and IPDRs, a bail court should not foreclose those lines of investigation by ruling them unnecessary. Decisions about how to conduct investigation are matters for the investigating agency and ultimately for the trial court to assess in the context of trial, and not for a bail court to resolve conclusively. The



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prosecution has repeatedly stated that time-sensitive steps, such as forensic analysis of devices, IP tracing, confrontation of co-accused and recovery of further material, remain uncompleted. Granting anticipatory bail without considering such investigation aspects risks prejudicing the investigation and the trial.

46. *Second*, the learned ASJ's order engages with and weighs the credibility of the prosecution's key witness, Sandeep, and the probative value of associated digital material. The learned ASJ accepted competing explanations offered by the respondent, for example, that the phone was lost or stolen and that verification at the village was impracticable, and treated those explanations as sufficient to grant bail subject to conditions. Due to the submission of different versions regarding the mobile, the same cannot be believed. But Sandeep's disclosure is corroborated on several independent materials in the prosecution material, such as CCTV identifications of the shooters, admissions by other arrested persons identifying Sandeep, Sandeep's admission that he received money from the respondent and delivered it at Royal Dhaba, the unusually high volume of calls on the specific day in question, and the timestamped photograph that coincides with the alleged delivery including the involvement of Naveen @ Doctor and his disclosure. These are factual points linked to physical and electronic material. Assessing such corroboration and deciding ultimate credibility are matters for the trial, and not for a bail court to determine finally.

47. The record further shows that the respondent gave varying accounts about the whereabouts and status of his phone, ranging from loss to theft to other unexplained theories. The police conducted



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multiple raids, affixed notices at the respondent's residence on 20/21.05.2025, and the respondent failed to complete verification on 29.05.2025 after arriving late and leaving early. The prosecution views this conduct as signs of non-cooperation and a flight risk. The learned ASJ, however, appears to have treated the pasted notices and the investigative steps as *indicia* that the police did not intend to arrest, an inference that the prosecution says misconstrues the record. The notices were used in the context of unfruitful raids and as precursors to more intensive steps such as NBWs or proclaimed offender proceedings. These facts point towards the necessity, at the least, of preserving the integrity of investigative steps rather than foreclosing them by final factual findings at the bail stage.

48. An important consequence of the learned ASJ's approach is that it amounts in substance to a pre-trial acquittal. When a bail court accepts an accused's narrative in preference to a prosecution case that rests on multiple, interconnected pieces of corroboration, the liberty granted may materially obstruct ongoing investigation. It can complicate recovery of devices, frustrate custodial confrontation with other accused, and delay or limit the investigation. The settled law demands that bail in serious offences be granted with restraint and on cogent reasons, and a mechanical balancing that resolves contested issues of fact.

49. Moreover, the record also reflects specific investigative material concerning the role of Naveen @ Doctor, which further strengthens the prosecution's case seeking custodial interrogation of the respondent. The chargesheet and the written submissions filed by the petitioner show that Naveen @ Doctor was arrested after the main



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shooters, and upon his arrest a country-made pistol along with cartridges was recovered at his instance. His disclosure statement records that he was part of the wider conspiracy and had knowledge of the movement of the shooters as well as the funds arranged for them. Significantly, Naveen named both Sandeep @ Monu and the respondent, as persons involved in arranging money and facilitating communications between members of the group. The IO notes that Naveen independently confirmed that Sandeep had received funds shortly before the incident and had repeatedly been in touch with the respondent during that period. These assertions by Naveen are consistent with, and reinforce, the digital evidence already on record which shows extraordinary frequency of calls between the respondent and Sandeep on 09.04.2025 and a flurry of communications in the days leading to the offence. The investigation also reveal that some communications between Naveen and the respondent appear through platforms like Snapchat and Signal, which are encrypted and foreign-server based, and therefore access to devices and backend tracing is required, as also noted in the preceding paragraphs. The IO has specifically stated that timely seizure and examination of devices is indispensable for verifying whether the communications align with the narrative disclosed by Naveen. When the material disclosed by Naveen is read alongside - (i) Sandeep's statement regarding the delivery of ₹4,00,000 at Royal Dhaba, (ii) the timestamped photograph sent on the relevant date, (iii) the CDR/IPDR analysis showing unusual spikes in communications, and (iv) the respondent's inconsistent explanations about his phone, a cumulative picture emerges that custodial interrogation maybe required to confront the



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respondent with Naveen and others, verify the digital trail, and test the consistency of disclosures. These circumstances taken together, therefore, provide a clear and objective basis for the investigating agency's stand that further interrogation in custody is necessary to fully unravel the chain of conspiracy and the respondent's role within it.

50. Two further points from the record bear emphasizing. *First*, the chargesheet records that additional investigation has been carried out after initial filing and that supplementary chargesheets may follow. Newly arrested persons have made disclosures and led to recoveries of weapons and other material relevant to the case. This demonstrates a live and expanding probe whose outcome could materially affect assessment of the respondent's role. Prematurely determining that custodial interrogation was unnecessary while such investigation continues is legally unsound. *Second*, the prosecution's technical submissions about the need to trace IPs and servers and the difficulty of doing so for some protected or foreign platforms are time-sensitive and often require intensive processes. A bail court should not, without very strong reasons, take a step that obstructs or pre-emptively negates the practical ability to carry out those investigative processes.

51. Applying the law to the facts, the errors in the impugned order are material and justify interference of this Court. The principles laid down in *Darshan (Supra)* require that reasons for a bail grant be cogent and avoid merits-based adjudication. The learned ASJ's order fails that test because it resolves contested factual issues that were central to the prosecution's request for custody. The standards set out in *Ashok Dhankad (Supra)* permits setting aside a bail order that is



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arbitrary, perverse or based on unjustified material. On the record before this Court, the learned ASJ's reasoning falls within that category because it weighed credibility, curtailed essential investigative options and drew inferences contrary to the investigation and the evidence on record.

52. In sum, the investigation contains concrete factual elements such as Sandeep's and Naveen's disclosures, CDRs and IPDR analysis, the timestamped photograph, CCTV identifications, disclosures and admissions by other arrested persons, later recoveries and the raids and notices, usage of Signal App etc., which together show that further custodial interrogation might be required to test and complete the investigation. These are not speculative matters. They are practical and evidentiary steps that the investigation must pursue for fair administration of justice. The learned ASJ, by going into the merits, weighing contested evidence and effectively curtailing those routes of investigation, exceeded the permissible scope of a bail court and thus committed a legal error.

53. For these reasons, the impugned anticipatory bail order cannot stand in accordance with the legal principles that guard against premature factual adjudication at the bail stage.

Conclusion

54. In view of the aforesaid facts and circumstances, the impugned order dated 31.05.2025 passed by the learned ASJ, Tis Hazari Courts, Delhi in case arising out of FIR No. 167/2025, registered at Police Station – Paschim Vihar (East) for the offences punishable under Sections 103(1)/61(2)/318(3)/49/249/3(5) of the BNS and Sections 25/27 of the Arms Act, is set aside.



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55. The petition stands allowed and is disposed of along with the pending application(s), if any.

56. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

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