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

\# **CNR No. DLHC010518772026**

\+ BAIL APPLN. 4604/2026

ZUNAID ALI .....Petitioner

Through: Mr. Aditya Sharma, Adv. (through VC).

versus

STATE GNCT OF DELHI .....Respondent

Through: Mr. Raghuinder Verma, APP for the State with SI Vikas Yadav, PS Fatehpur Beri.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 19.11.2026

1. Hybrid Mode.

2. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') for grant of regular bail in FIR No. 287/2026 PS Fatehur Beri, under Section 309(4)/351(2)/311/317(2) and 3/(5) of BNS, 2023.

3. A PCR call was received in PS Fatehpur Beri to the effect that on the intervening night of 06/07.07.2026, a robbery took place in which a Maruti Dzire car, one mobile phone and some money and documents of the complainant/driver of the car, which was being plied by the complainant on the platform of Rapido Taxi were robbed. Policemen reached at the spot i.e. Metro Pillar No. P-101 & P-102, near Indian Oil Petrol Pump, MG Road, Gurgaon.

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4. The complainant informed that he picked up three persons/passengers from Ghitorni village to Lal Quila. Those three persons got him to stop his vehicle on the pretext of easing themselves. However, the one who was sitting in the front seat, demanded to drive his Taxi, which was refused by the complainant following which a knife was placed on his neck and thereafter, the complainant was robbed of his money i.e. Rs. 3000/-, a mobile phone and those three persons also took away the vehicle of the complainant as well. The victim somehow managed to save himself from the clutches of those three assailants.

5. The accused persons were subsequently arrested by the police on the basis of the digital evidence available in the shape of mobile phone number through which the Rapido Taxi of the complainant was booked. Incidentally, the vehicle i.e. Maruti Dzire car bearing registration No. DL-lZC-7398 was recovered alongwith the robbed mobile phone, etc. of the complainant.

6. The present applicant Zunaid Ali was also arrested on 08.07.2026 from whom the mobile phone of the complainant was recovered and the present applicant alongwith the co-accused Mohd. Kaif got recovered the Maruti Dzire car of the complainant as well. Certain recoveries including Aadhar Card, PAN Card, Driving Licence, Registration Certificate of the Taxi, ATM Card, etc., were also there at the instance of co-accused Mohd. Kaif. At the instance of present applicant Zunaid Ali, knife allegedly used in crime was also recovered.

7. In the TIP proceedings, the present applicant was identified by the complainant as the other two also. Incidentally, CCTV recording is also available and all the three assailants are clearly visible in the said CCTV footage.

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8. Against the backdrop of aforesaid facts and circumstances, learned counsel for the applicant/accused has come up with the contention that the chargesheet in the case has been filed, indicating that the investigation is complete and in any case, the robbed item have already been recovered by the police. Therefore, further custody of the present applicant is no more required.

9. It is contended further that the applicant has been falsely implicated in this case and that there is no independent witness to the so called recovery at the instance of the present applicant, despite the fact that all the recoveries were made from public places. It is, thus, submitted that the applicant, who has clean antecedents and has spent considerable time in custody and that the chargesheet has been filed, therefore, he deserves to be considered for bail.

10. Learned APP for the State, on the other hand, while contesting the application came up with the plea that cogent evidence is there against the applicant qua his complicity in the offence in the shape of CCTV footage, recovery of articles belonging to the complainant, his identification in the TIP, therefore, when it has been shown that a knife was used to commit the robbery, that too on a highway between the sunset and sunrise, the persons of such desperate nature does not deserve to be considered for bail. It is further submitted that there is every possibility that the witnesses would be influenced, especially the public witness/complainant.

11. Having considered the submissions made by the contesting sides, especially the fact that the act of the applicant reflects that he has breached the trust of a cab driver, who was engaged by them to facilitate their own travel. He was merely a service provider to them, but instead of availing the

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services, it seems that they were mentally prepared to commit this crime, inasmuch as, the availability of knife is indicative of this fact. A normal man does not go and move around alongwith knife. Then, the recoveries affected from the applicant and the co-accused cements the case further against the present applicant and co-accused. The identification in the TIP further fortifies the case.

12. In these circumstances, merely because the applicant has spent four odd months in custody and when the charge is yet to be framed and public witnesses are yet to be examined, it seems that releasing the applicant on bail at this stage, would be prejudicial to the cause of the prosecution and detrimental to the complainant/victim. Therefore, it appears appropriate to await the framing of charge and examination of atleast the public witnesses before the aspect of bail, can be considered further.

13. As a result, the application is declined as the applicant does not deserve to be considered for bail at this stage.

VIMAL KUMAR YADAV, J

NOVEMBER 19, 2026/*akc*

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