



2026:DHC:8536



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 30.09.2026

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CNR No. DLHC010301032026

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BAIL APPLN. 2673/2026**AJAY KUMAR @ DOCTOR****.....Petitioner**

Through: Ms. Kirti Chauhan and Mr.
Deepanshu Goswami, Advocates.

versus

STATE OF NCT OF DELHI**.....Respondent**

Through: Mr. Amit Ahlawat, APP for State
with Inspector Madan Mohan.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 67/2025 of PS Ashok Vihar for offences under Sections 317(3) /309/(4)/61(2) /103(1) / 3(5) /310(3) BNS and Section 25/27 of the Arms Act.
2. After last date, status report was filed. I have heard learned counsel for accused/applicant and learned APP for State assisted by Inspector Madan Mohan.
3. Broadly speaking, the prosecution case is that on 25.02.2025, a robbery was committed, in the course whereof, the victim was killed. The

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role attributed to the present accused/applicant is that he conducted reconnaissance of the spot and shared the information with the alleged robbers/killer.

4. Learned counsel for accused/applicant submits that he is in custody since 27.03.2025, without there being any legally admissible evidence against him. It is contended that admittedly, the accused/applicant was not one of the robbers/killers.

5. Learned APP admits that the accused/applicant was not one of the alleged robbers/killer, but further submits that role played by the accused/applicant is very significant, so he does not deserve to be granted bail in view of gravity of the offence. It is submitted by learned APP that the evidence collected against the accused/applicant is not just the disclosure statements of the alleged robbers/killer but also telephonic connectivity between the accused/applicant and co-accused Vishal and Vicky, which is established through Call Detail Records. Another piece of evidence collected against the accused/applicant is his presence near the spot of the alleged robbery, which is established on the basis of mobile tower location. It is also submitted by learned APP that on the night intervening 25.02.2025 and 26.02.2025, the accused/applicant stayed in a hotel with co-accused Vishal and Vicky. Last piece of evidence against the accused/applicant, as per learned APP, is recovery of Rs.1,50,000/- from his possession, which is



6. Of course, gravity of offence is one of the vital factors to be kept in mind while considering a bail application. But the court has also to broadly analyse the material collected against the accused, in order to ascertain whether the same *prima facie* connects him with the alleged offence, gravity whereof is being shown. With this understanding, I have analysed the submissions of prosecution.

7. So far as the alleged recovery of Rs.1,50,000/- is concerned, that is not such a big amount of money in today's economic and financial situation so as to infer criminality. In response to a specific query, it is submitted by learned counsel for accused/applicant that the accused/applicant is working as a veterinary doctor. In view of the said profession of the accused/applicant, mere recovery of Rs.1,50,000/- cannot be read as a circumstance connecting him with the alleged robbery.

8. Then comes the circumstance of the alleged hotel stay of the accused/applicant with the co-accused Vishal and Vicky. The alleged robbery took place on 25.02.2025; and according to prosecution, the accused/applicant stayed with co-accused Vishal and Vicky in same hotel on the night intervening 25.02.2025 and 26.02.2025. The normal human conduct is that after committing such crime, the offenders would disperse



and not converge and stay in same hotel thereafter. More significantly, it is submitted by learned APP that the IO did not seize the Guest Register of the hotel in order to show that the accused/applicant and any of the co-accused persons stayed in that hotel on the night intervening 25.02.2025 and 26.02.2025. Merely recording a statement of the hotel manager, which statement has to be unsigned as per law, is insignificant.

9. Finally comes the issue of telephonic connectivity between the accused/applicant and co-accused Vishal and Vicky. In response to a specific query, learned APP submits that the mobile phone attributed to the accused/applicant is not in his own name. It is submitted by learned APP that the said mobile phone is in the name of Sandeep, brother of the present accused/applicant and Sandeep stated in his statement before the IO that his mobile phone was being used by the present accused/applicant. In the absence of any material to corroborate this statement of Sandeep, *prima facie*, no culpability can be attributed to the accused/applicant. For, the investigator is not expected to be so gullible that a person verbally says that his mobile phone was being used by someone else and the investigator would believe without any material. Besides that, it is also the admitted position that there was no interception of phone calls in order to find out as to what was being spoken in those calls, so mere number of calls between two persons cannot be treated as an incriminating circumstance.



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10. For the same reason as regards ownership of the mobile phone and its number, the mobile tower location obtained by the IO cannot be read to be the location of the accused/applicant.

11. Of course, I must add a cautious rider that the above observations have been recorded only for the limited purposes of the present application in order to analyse the rival arguments. The learned trial court shall obviously take an independent view, without getting influenced with the above observations.

12. 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.

13. 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)

SEPTEMBER 30, 2026/ry

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