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

+ BAIL APPLN. 1354/2026, CRL.M.A. 10615/2026

SAHIL KUMAR GOHAR

.....Petitioner

Through: Mr. Pradeep Chowdhary, Mr.
Vikrant Chowdhary, Advocates.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP
SI Sudhir Yadav, IO Ram Kishan

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.07.2026**

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks anticipatory bail in connection with FIR No. 10/2026 dated 13.01.2026, registered at Police Station Crime Branch under Sections 25/54/59 of the Arms Act, 1959.

2. I have heard Mr. Pradeep Chowdhary, learned counsel appearing for the applicant, and Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State.

3. Mr. Srivastava has also placed on record a status report dated 06.05.2026 on behalf of the State. The case of the prosecution, as emerging from the said status report, is set out hereunder:

a.) The prosecution states that, acting on the basis of specific secret information, the investigating agency apprehended accused Sagar Babbar on 13.01.2026, and recovered one illegal semi-automatic pistol alongwith five live cartridges from his possession. The said recovery led to the registration of the present FIR under the



provisions of the Arms Act, 1959.

- b.) During the course of interrogation, Sagar Babbar disclosed that the recovered firearm and ammunition had been handed over to him by the present applicant, who is stated to be his friend/neighbour. He further stated that the applicant had procured the said weapon from one Arif @ Pari, who is alleged to be an illegal arms supplier operating in the Trans-Yamuna area of Delhi.
- c.) On the basis of the aforesaid disclosure, the investigating agency made repeated efforts to apprehend the applicant; however, he could not initially be traced.
- d.) Thereafter, pursuant to notices issued under Section 35(3) of the BNSS, the applicant initially joined the investigation, but failed to cooperate in a meaningful manner. It is stated that he denied having supplied the recovered weapon to Sagar Babbar, disclaimed any acquaintance with Arif @ Pari or knowledge of the source of the recovered firearm, and furnished unsatisfactory replies to the queries put to him during interrogation.
- e.) Thereafter, pursuant to the directions issued by this Court on 08.04.2026 in the present anticipatory bail application, the applicant again joined the investigation.
- f.) During the course of the investigation, the applicant and Sagar Babbar were interrogated separately as well as jointly. While the applicant consistently denied having supplied the recovered weapon or having any knowledge of its source, Sagar Babbar repeatedly reiterated that the recovered pistol had been handed over to him by the applicant. He further alleged that the applicant had



informed him that he had procured two pistols from Arif @ Pari, one of which was subsequently recovered from Sagar Babbar's possession.

g.) The prosecution further states that, the applicant admitted to having met Arif @ Pari on one occasion at a club in the company of Sagar Babbar, although he continued to deny any involvement in the alleged offence. Reliance is also placed on the Call Detail Records ["CDRs"] of the applicant and the co-accused, which, according to the prosecution, indicate that both were present at the same location at the relevant time.

h.) Acting upon the information gathered during the course of the investigation, the investigating agency thereafter conducted searches at the locations identified by the co-accused in an effort to trace the alleged supplier, Arif @ Pari. However, despite such efforts, Arif @ Pari could not be traced or apprehended.

4. The applicant was granted interim protection by this Court *vide* order dated 08.04.2026. The relevant portion of the said order reads as follows:

"6. Mr. Pradeep Chowdhary, learned counsel for the applicant, submits that the case against the applicant rests solely on the disclosure statement of the co-accused Sagar Babbar, which is neither corroborated by any recovery, nor supported by any independent evidence. He further submits that the applicant and Sagar Babbar were not known to each other, and that the applicant has been falsely implicated in the present case.

7. Ms. Arya fairly submits that, at this stage, the material against the present applicant is limited to the disclosure statement of the co-accused Sagar Babbar. She, however, contends that the said disclosure statement indicates that two pistols had been handed over by one Arif @ Pari, out of which recovery of one pistol is still pending.



Ms. Arya further disputes the contention of Mr. Chowdhary that the applicant and Sagar Babbar were not known to each other, and draws my attention to the Call Detail Records [“CDRs”] for the period 01.01.2025 to 08.01.2026, which form part of the police record.

8. *Having heard learned counsel for the parties, it may, at the outset, be noted that the CDRs placed on record prima facie do not support the submission advanced by Mr. Chowdhary that the applicant was not acquainted with the co-accused Sagar Babbar. The records reflect multiple calls exchanged between two specific mobile numbers. Ms. Arya states that one of the numbers is registered in the name of the present applicant, as per the Customer Application Form [“CAF”], while the other number, though registered in the name of Sagar Babbar’s sister, is stated to be used by Sagar Babbar. Copies of CAFs pertaining to the aforesaid mobile numbers have been handed up in Court by Ms. Arya and are taken on record.*

9. *However, notwithstanding the prima facie material indicating telephonic communication between the applicant and the co-accused, it is evident that, insofar as the present offence is concerned, the case against the applicant is founded solely on the disclosure statement of the co-accused. No recovery has been effected from the applicant, nor is there any other material presently on record, to substantiate the allegation that a second pistol is in his possession.*

10. *In view of the aforesaid, subject to the applicant joining the investigation and cooperating with the Investigating Officer, he shall not be arrested in connection with the said FIR till the next date of hearing before this Court.*

11. *The Investigating Officer is directed to place on record an updated status report prior to the next date of hearing.*

12. *It is made clear that, in the event of any non-cooperation or evasive conduct on the part of the applicant during the course of investigation, this Court shall be compelled to vacate the protection granted to the applicant.”*

13. The status report records that the applicant has joined the investigation pursuant to the directions issued by this Court. Although the prosecution alleges that the applicant has not cooperated with the investigation, such allegation appears to rest principally on the premise that the applicant has denied the allegations levelled against him. It is



well settled by the decisions of the Supreme Court in *Bijender v. State of Haryana*¹, *Hemant Kumar v. State of Haryana*², and, more recently, in *Vinay Kumar Gupta v. State of Madhya Pradesh*³, that the obligation to cooperate with an investigation cannot be construed as requiring an accused to make self-incriminatory statements or to confess to the allegations against him.

14. A perusal of the status report does not reveal that any further incriminating material has surfaced against the applicant during the course of the investigation. Equally, no recovery is stated to have been effected pursuant to the disclosure statement of co-accused Sagar Babbar. It is also significant that the said co-accused, from whose possession the firearm in question was recovered, has already been granted regular bail *vide* order dated 28.01.2026. Further, it is not the case of the prosecution that the applicant has any criminal antecedents.

15. Having regard to the aforesaid facts and circumstances, as well as the reasons recorded in the order dated 08.04.2026, this Court is of the view that the applicant has made out a case for the grant of anticipatory bail. Accordingly, it is directed that, in the event of his arrest in connection with FIR No. 10/2026 dated 13.01.2026, registered at Police Station Crime Branch under Sections 25/54/59 of the Arms Act, 1959, the applicant shall be released on bail upon furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount, to the satisfaction of the Investigating Officer/Station House Officer, subject to the following conditions:

¹ SLP (Crl.) 1079/2024, decided on 06.03.2024.

² SLP (Crl.) 232/2024, decided on 06.03.2024.



- a) The applicant shall join and cooperate with the investigation as and when required by the Investigating Officer;
 - b) The applicant shall furnish his mobile number to the Investigating Officer and shall ensure that the said mobile phone remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the Investigating Officer;
 - c) The applicant shall furnish his residential address to the Investigating Officer and shall not change the same without prior intimation to the Investigating Officer;
 - d) The applicant shall not, directly or indirectly, contact or attempt to contact any witness, nor shall he tamper with the evidence in any manner whatsoever;
 - e) The applicant shall not leave the country without prior permission of the concerned Trial Court;
 - f) The applicant shall not commit any offence during the pendency of the proceedings.
10. The bail application stands disposed of in the above terms.
11. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

JULY 21, 2026/Tg/SD/

³ SLP (Crl.) 20215/2025, decided on 16.02.2026.