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

CNR No. DLHC010291592026

+ **BAIL APPLN. 2583/2026**

UPENDER SHARMA

.....Applicant

Through: Mr. Omkar Sharma, Mr. Mohit Sharma, Mr. Dhruv Gupta, Mr. Aditya Sharma and Ms. Apoorva Bhargav, Advocates

Versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State with Mr. Aditya Vikram Singh, Advocate with SI Sumeet Pooniya, PS: Vivek Vihar

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
12.08.2026

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1. By virtue of the present application under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of anticipatory bail in proceedings arising out of FIR No.249/2026 dated 21.05.2026 registered at PS.: Vivek Vihar under *Section 125* of the Bhartiya Nyaya Sanhita, 2023 (**BNS**) read with *Sections 25/27/54/59* of the Arms Act, 1959 (**AA**).
2. Status Report handed over by the learned APP is taken on record.
3. *Succinctly put*, after receiving a PCR call on 21.05.2026, the Police reached at the spot (*Doku Club*) and found four empty cartridges therefrom. Consequently, the statement of the guard working at Doku



Club was recorded, which revealed that he saw a young boy firing shots in the air and fleeing therefrom. This resulted in registration of the present FIR.

4. During investigation, based on the CCTV footage of the area, the co-accused persons were arrested on 25.05.2026, and during the disclosure statement of a co-accused, it was evinced that the applicant; **(i)** had given them fire arms and cartridges involved in the incident to the co-accused persons since the applicant intended to take revenge on behalf of his brother, who had a quarrel with the bouncers of the said club and; **(ii)** the applicant gave Rs.25,000/- cash to the co-accused persons, after they came to him subsequent to the incident.

5. It is under these facts and circumstances that this Court has heard the learned counsel for the applicant as also the learned APP and also perused the materials on record.

6. As borne out, since the applicant is not named in the FIR, his name cropped up only on the basis of disclosure statement made by a co-accused *primarily* to the effect that he *allegedly* supplied the fire arms and the cartridges used by the co-accused persons in the night of the incident, however, based thereon, no recovery has been made from the applicant. The same, in view of ***Shiv Kumar v. State of M.P.: (2022) 9 SCC 676***, can hardly carry any weightage of substance as it cannot be held against the applicant.

7. As of now, despite the applicant already having joined investigation pursuant to the order dated 10.07.2026 passed by this Court, no other incriminating material against the applicant has been found.

8. Considering that the applicant has joined and participated in the



investigation and is also ready and willing to continue to do so, if, as and when required, there is no occasion for custodial interrogation of the applicant, at this stage.

9. *Resultantly*, the applicant is granted anticipatory bail in FIR No.249/2026 dated 21.05.2026 registered at PS.: Vivek Vihar under *Section 125* of the BNS read with *Sections 25/27/54/59* of the AA, subject to the applicant participating in the investigation, as if and when, called by the IO. As such, in case of his arrest, the applicant be released on furnishing a personal bond in the sum of Rs.20,000/- (*Rupees Twenty Thousand Only*) along with one surety in the like amount by a family member/ friend having no criminal case pending against him/ her and further subject to the satisfaction of the Arresting Officer/ S.H.O., as also subject to the following conditions:-

- i. Applicant shall ordinarily reside at the address as per the Memo of Parties as mentioned in the present application and shall not leave the same without prior permission of the concerned IO.
- ii. Applicant shall surrender his Passport, if any, to the IO.
- iii. Applicant shall join and participate in the investigation as, if and when called by the IO.
- iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times.
- v. Applicant shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.

10. Accordingly, the present application is allowed and disposed of in the aforesaid terms.



11. Needless to say, expression of view(s) on the merits, if any, are solely for the purposes of adjudication of the present application and shall have no bearing on the overall case/ trial involved.

12. A copy of this order be sent to the concerned S.H.O. for information and compliance thereof *forthwith*.

SAURABH BANERJEE, J

AUGUST 12, 2026/So