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

+ **BAIL APPLN. 170/2024 & CRL.M.A. 1329/2024**

DEEPAK @ DEEPU @ POPAT Petitioner

Through: **Mr. Lakshay Joshi, Advocate**

versus

STATE THROUGH SHO Respondent

Through: **Mr. Amol Sinha, ASC for the State
with SI Nishant Suran, Special Cell.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **07.02.2024**

1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of regular bail in case FIR bearing no. 305/2022, registered at Police Station Special Cell, Delhi for the offences punishable under Sections 186/353/307/34 of the Indian Penal Code, 1860 ('IPC') and Sections 25/27 of Arms Act.
2. Issue notice. Mr. Amol Sinha, learned ASC accepts notice on behalf of State.
3. Briefly stated, facts of the present case as per the FIR are that on 30.09.2022 at around 9:00 PM, a secret information regarding arrival of the present applicant, who is alleged to be a sharp shooter of Lawrence Bishnoi and Raju Basaudi gang would arrive at Chattarpur, Delhi had been received. Accordingly, a police raiding team had been constituted and a trap had been led to apprehend the accused persons. At about 10:20 pm, the applicant along with other co-accused had come on motorcycle bearing No.DL-5SCF-



8987, at the said location, where the police raiding team had surrounded the motorcycle. Upon seeing the police, the present applicant who was the pillion rider had jumped from the motorcycle and had fired upon the police team but due to some mechanical fault in the pistol, shots could not be fired. The rider of the motorcycle, co-accused had dropped his motorcycle on the road and tried to flee from there. However, the present applicant and the co-accused had been apprehended. Upon searching, the police team had recovered one semi automatic pistol along with four live cartridges. Thereafter, the present FIR was registered.

4. Learned counsel for the applicant states that the allegations leveled against the applicant are false and baseless. He further states that the applicant/accused is in judicial custody since 05.10.2022 and the co-accused has already been granted bail. Learned counsel for the applicant submits that on the ground of parity the applicant having more or less similar role with the other co-accused should be granted bail. Learned counsel for the applicant further states that there is no question with tampering of evidence as charge-sheet has already been filed and no purpose will be served keeping the applicant in prolonged incarceration.

5. Learned ASC for the State, on the other hand, strongly opposes the present bail application and states that the allegations levelled against the present applicant are serious in nature as the applicant/accused had fired upon the police team with the intention to kill them. It is further stated that the role of the present applicant is much more serious than the co-accused, therefore, the submissions of the learned counsel for applicant that the applicant be enlarged on bail the grounds of parity shall be rejected and the bail be dismissed.



6. This Court has heard arguments addressed by learned counsel for applicant as well as learned APP for the State and has perused the material available on record.

7. In the present case, it is the case of the prosecution that upon receiving secret information, a raiding team was formed and on 30.09.2022, the present accused/applicant at around 10:20 PM had reached Chattarpur where they had been stopped by the police raiding team, but the present accused/applicant had taken out his pistol and had tried to fire upon the police officials. Luckily, due to some mechanical fault in the pistol shots could not be fired. Thereafter, the police raiding team had apprehended the present accused/applicant and a semi automatic pistol with four live cartridges had been recovered from the present accused/applicant.

8. Considering the overall facts and circumstances of the present case the allegations against the present applicant are found to be serious in nature. In this view of the matter, the matter is at initial stage, charges have not framed yet. Moreover, the present applicant is reported to be involved in seven other criminal cases, which are also heinous in nature. If the present applicant is released on bail, he can be a flight risk. Therefore, this court is not inclined to grant regular bail to the applicant/accused.

9. Accordingly, the present bail application stands dismissed.

10. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 7, 2024/hs

[Click here to check corrigendum, if any](#)