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

+ **BAIL APPLN. 243/2024**

MR. DEEPAK SINGH Petitioner

Through: Appearance not given.

versus

THE STATE (NCT OF DELHI) Respondent

Through: Mr. Hemant Mehla, APP for the State
SI Manjit Singh and SI Deepak
Patwal, PS Kirti Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.03.2024

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1. The present application under Section 439 read with Section 482 of the Cr.P.C. seeks regular bail in case FIR No. 499/2022, under Sections 307/120B of the IPC and Sections 25/27/54/59 of the Arms Act, registered at P.S. Kirti Nagar.

2. The case of the prosecution as per the status report dated 06.03.2024 authored by Insp. Sanjeev Dhodi, SHO P.S. Kirti Nagar is as under:-

“1) Most respectfully it is submitted that a case vide FIR No. 499/22 U/S 307/120B IPC & 25/27 Arms Act was registered at PS Kirti Nagar on the statement of Rahul S/o Lt. Sh. Arjun Singh R/o Jh. No. W-1/223, Mansarovar Garden, Near Mayapuri Chowk, Delhi wherein he has alleged that on 04/11/2022 at around 1:50 PM when he was going towards his jhuggi one unknown boy aged around 20-25 years wearing White shirt and White shoes came from behind and fired one bullet on him which went out after touching his leg, when he looked back that boy fired another bullet with the intention to kill him, which hit him in his left hand and left side stomach. When complainant screamed that boy ran away from the spot, complainant came out of street and his neighbor Ram Kumar took him to ABG Hospital from where he was referred to



RML Hospital.

2) During the course of investigation accused Abhishek along with his co-accused Karan(d) Himanshu were arrested on 06/11/2022 and both of them disclosed that on 04/11/2022 **Deepak S/o Uday Singh who was on his bike met them near petrol pump Mayapuri Chowk and provided gun to accused Karan @ Himanshu and kept another gun with himself** and further disclosed that on 03/11/2022 they along with co-accused Deepak and Varun had planned to kill the Veerbahadur @ Vira S/o Lt. Sh. Arjun Singh and on 04/11/2022 when Veerbahadur was not found present, they attacked on complainant Rahul (brother of Veerbahadur).

3) On 26/11/2022 HC Ankit Sharma No. 455/W had informed that accused Deepak S/o Uday Singh R/o A-207, Sangam Colony, Pandav Nagar, Delhi, who was arrested in case FIR. No. 526/22 U/s 25/54/59 Arms Act PS Kirti Nagar has disclosed regarding his involvement in case FIR no. 499/22 and after that on the same day **accused Deepak Singh S/o Uday Singh was arrested in the present case and who disclosed that on 03/11/2022 he along with accused Karan @ Himanshu, Abhishek and Varun had planned regarding killing of Veerbahadur @ Veeru and on 04/11/2022 he went to Petrol pump at Mayapuri Chowk on his bike and met Karan Himanshu and Abhishek and provided one pistol to Karan @ Himanshu and kept one pistol with himself** and they started searching Veerbahadur @veeru and when he was not found present they changed their plan and planned to kill brother of Veerbahadur namely Rahul and when Rahul was going towards his jhuggi. Karan @ Himanshu fired on Rahul from behind with the intention to kill him. Till now three accused namely Karan@ Himanshu, Abhishek and Deepak are arrested and chargesheet has been filed in the Hon'ble court

4) The motive behind committing the crime is that before this present case, another case vide FIR No. 496/22 U/s 308/34 IPC was registered at PS Kirti Nagar in which brother of complainant (Veerbahadur) along with his friends had beaten one Sunil and Varun and on the statement of Sunil FIK No. 496/22 was registered and to take the revenge of that beating, accused persons planned to kill Veerbahadur Ia. Veeru but when he was not found they changed their plan and fired on brother of Veerbuhadur i.e., Rahul S/o Sh. Arjun Singh who sustained injuries and was hospitalized.

5) The nature of injury of the complainant/victim was Dangerous injury. The charge-sheet of the present case has already been filed before Hon'ble court and the present case is at stage of Prosecution evidence,



The FSL, result from ballistic Division has also been obtained. (Copy of same is annexed herewith as Annexure 1)”

3. Learned counsel appearing on behalf of the applicant submits that the involvement of the latter has been shown in the present case as part of a conspiracy with other co-accused persons. It is further submitted that the evidence *qua* the present applicant is in the form of disclosure statements of the co-accused persons. It is further submitted that no recovery has been effected from the present applicant. It is further stated that the public witnesses, i.e., PW-1 and PW-2 have already been examined before the learned Trial Court. The applicant has been in custody since 26.11.2022 and the trial is likely to take some time. It is further submitted that the applicant is on bail in other involvement as reflected in the nominal roll.
4. Learned APP for the State, on instructions from the Investigating Officer, submits that the case of the prosecution *qua* the present applicant was of conspiracy, wherein it has been alleged that he had provided the alleged weapon to the co-accused persons.
5. Heard learned counsel for the parties and perused the record.
6. The case of conspiracy of the prosecution *qua* the present applicant is based on disclosure statements of the other co-accused persons. On a pointed query, the Investigating Officer submits that no recovery has been effected from the present applicant in the present case. As per the instructions, learned APP for the State submits that public witnesses have already been examined. The applicant has been in judicial custody since 26.11.2022 and as on 28.02.2024, he has undergone 01 year 03 months and 03 days in judicial custody.
7. In view thereof, the present application is allowed. The applicant is



directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
8. The application is allowed and disposed of accordingly.
 9. Pending application(s), if any, also stand disposed of.
 10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
 11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 12. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 20, 2024/sn