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

+ **BAIL APPLN. 782/2024**

ANUJ @ SATISH

..... Petitioner

Through: Mr. Sudhir Naagar, Mr. Piyush Aggarwal, Mr. Arun Kumar Nagar, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State with Inspector Ashwani PS GTB Enclave and Inspector Jitender Rana PS Civil Lines and Inspector Shiv Charan.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

03.05.2024

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1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in case bearing No. SC/385/2023 arising out of FIR No. 275/2022 registered under Sections 302/120B/34 IPC and Sections 25/54/59 Arms Act at Police Station GTB Enclave, Delhi.
2. Learned counsel for the applicant states that the applicant has been in custody since 19.04.2023 and that the co-accused *Ravinder @ Titu*, who is similarly placed, has already been released on regular bail. It is further submitted that the only material cited against the applicant is that of having a motive and further that he is the uncle of the main shooter namely *Sandeep @ Gujjar*. He further submits that investigation is complete and that the matter is now listed for arguments on charge.
3. Mr. Laksh Khanna, learned APP for State has opposed the bail



application. He submits that the applicant was the injured/victim in a prior FIR being FIRNo.578/2021 registered under Section 307 IPC and 25/27 Arms Act, wherein it was suspected the brother of the deceased herein was the assailant. He further submits that during the course of investigation, it has been determined that the incident occurred in the evening of 15.06.2022, and that earlier in the day at about 12.30 PM, the applicant along with the main assailant i.e. *Sandeep @ Gujjar* were seen together. Further, half an hour after the incident, the main shooter *Sandeep @ Gujjar* had posted a message on social media saying '*badla le liya*', a copy of which was also transmitted to the applicant. Lastly, it is stated that in the disclosure, it has been stated that the applicant had supplied the country-made pistol, which was eventually recovered from *Sandeep @ Gujjar*. It is also stated that the applicant is found involved in five other cases.

At this stage, learned counsel for the applicant states that the applicant is on bail in all those cases.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. There are only three materials which have been cited against the present applicant, the first one being the CCTV footage, in which the present applicant can be seen with the main assailant *Sandeep @ Gujjar*. Learned counsel for the applicant states that the CCTV footage belongs to the dairy where the applicant resides with his family, which includes his nephew *Sandeep @ Gujjar*. The second material cited against the present applicant is the act of *Sandeep @ Gujjar* sending a picture of himself carrying a pistol in his hand and stating '*badla le liya*' to the applicant. The third material is disclosure statement of the co-accused. Concededly, there has been no



recovery from the applicant. Even the motive cited i.e. the registration of an earlier FIR being FIR No.578/2021 is not material inasmuch as neither the deceased nor any of his family members are the accused therein.

6. Considering the totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that nothing observed hereinabove shall amount to



an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

MAY 3, 2024/*rd*