



\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 1412/2024

GAURAV RANA

.....Petitioner

Through: Mr. Pardeep Khatri, Mr. Utkarsh
Singh Chhikara, Mr. Jatin Dhull, Mr.
Munender Mann, Ms. Rimpay Bishnoi,
Mr. Deepak, Advs.

versus

STATE GNCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
and SI Amit Kumar, PS Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.08.2024

%

1. The present application has been filed under Section 439 Cr.P.C. for grant of regular bail on behalf of the petitioner in case FIR No. 865/2023 dated 04.12.2023 under Section 338/34 IPC and Section 25/27/54/59 Arms Act and as per charge-sheet Section 336/307/482/120B IPC and Section 25/27 Arms Act registered at PS Punjabi Bagh.
2. The Facts in brief as stated by the investigation agency in its status report is as follows:

“Most respectfully, it is submitted that on 04.12.2023, the present case was registered on the statement of Mr. Yogesh Kumar s/o Ramashankar Prasad r/o A-17, Parvesh Nagar, Mubarakpur Dabas, Delhi. In his statement, he stated that



he works as guard at Kothi No. 59/77, Om Villa, West Punjabi Bagh, Delhi. This kothi belongs to Sh. Deep Malhotra, Ex MLA, Faridkot Punjab. On 03.12.2023, around 6:30 PM, he was present in guard room at main gate of Kothi. In the meantime, he heard gunshot noise. When he saw outside, there were two unidentified boys, approximately 25 years old, firing towards the main gate of the Kothi. They fired 4-5 rounds and both of the individuals fled towards Ganda Nala, Punjabi Bagh. The present case was registered vide Case FIR No. 865/23 dated 04.12.2023 u/s 336/34 IPC & 25/27 Arms Act, PS Punjabi Bagh.

On 07.12.2023, the present case was transferred to Crime Branch, NDR, R.K.Puram, New Delhi. On a secret information, one of the accused Aakash @ Kasha s/o Jagmender r/o VPO Bhatgaon Maliyan, Tehsil & District Sonipat, Haryana was apprehended. During his interrogation, he disclosed that he along with two boys namely Sombir from his village and another Nitesh @ Sinti s/o Satish Kumar r/o Village Ghikara, Tehsil & Dist. Charkhi Dadri, Haryana were involved in the said crime. He was previously in touch with Rohit Moi of Gogi Gang on Instagram. On the directions of Rohit Moi, he came into touch with one Vishal Chaudhary of Lawrence Bishnoi Gang through Signal App ID Krishan Shyam Radhey (Gogi group). Vishal Chaudhary had ordered Akash @ Kasha to fire on the gate of Sh. Deep Malhotra. On the directions of Vishal Chaudhary, he received 5 pistols and 15-16 cartridges from Jahari Bypass, Sonipat. On 03.12.2023, Akash Kasha along with his two associates reached at Madipur Metro Station in Delhi and received one motorcycle Hero Honda Splendor+ from accused Vans Gola. Thereafter, Aakash @ Kasha reached at place of occurrence by the above mentioned motor cycle, while accused Sombir and Nitesh reached by an auto rickshaw. Akash @ Kasha remained on the above motorcycle near the house of Sh. Deep Malhotra while accused Sombir and Nitesh executed the firing. Thereafter, accused Akash @ Kasha and Nitesh @ Sinti (Co-accused) were arrested in the



present case.

During course of investigation on 13.12.2023, third accused Sombir @Totla (Shooter) was arrested from Peeragarhi Metro Station after a brief exchange of fire with police team and resultantly, a case vide FIR No. 286/2023 u/s 186/353/307 IPC & 25/27 Arms Act, PS Crime Branch was registered separately.

During interrogation, accused Akash @ Kasa had provided the phone number 9311054589 of accused Vans Gola. Thereafter, with technical assistance and on the instance of accused Akash @ Kasa, accused Vans Gola was apprehended. He disclosed that one Gaurav Rana is known to him and on his directions, he took the said motor cycle from Deep Vihar, Rohini Sector 23 and on 03.12.2023, he gave the same to accused Akash @ Kasa near Madipur Metro station.

On the instance of accused Vans Gola, accused Gaurav Rana was apprehended. Accused Rohit Moi sent him Signal App ID Krishan Shyam Radhey (Gogi Group) and directed him to talk with Vishal Chaudhary and follow his directions. After that on the directions of Vishal Chaudhary, he sent accused Vans Gola to Deep Vihar to get the bike and sent him to Madipur Metro Station to deliver the bike to accused Akash @ Kasa.

During course of investigation, sections 307/120B/482 IPC were added in the present case. It is also pertinent to mention here that TIP proceedings of accused Sombir and Nitesh Sinti was conducted on 20.12.2023 but the complainant couldn't identify the accused in TIP proceedings.

During course of investigation, Sh. Deep Malhotra was examined and he stated that in October 2023 desperate fugitive criminal, Goldy Brar had made threatening calls to him. He was demanding extortion money from him. Thereafter, he sent some of his associates and burnt two



liquor shop of Sh. Deep Malhotra in Punjab. In this regard, FIR No. 178/2023 dated 11.10.2023 u/s 384/436/427/120B PS City Kotkapura, Dist. Faridkot, Punjab and Case FIR No. 195/2023 dated 25.10.2023 u/s 436/427/120IPC PS City Kotkapura, Dist. Faridkot, Punjab were registered.

During the course of investigation, exhibits of the case have been deposited in FSL, Rohini for expert opinion. As per IPDR record of mobile phone of accused Akash @ Kasa 8572824551, Mobile phone of accused Vans Gola 9311054589 and accused Gaurav Rana Mobile No. 9821050778 all were in touch with destination IP 98.41.121.53 from 29.11.2023 to 03.01.2023. This IP belongs to Internet Service Provider Comcast Cable Communications LLC, Location California Clovis USA. It indicates that someone from outside of India was directing the accused. As per CDR and locations chart of the mobile of all accused persons, it is revealed that trio of the shooters were present near place of occurrence on 29.11.2023 and 03.12.2023. Accused Vans Gola, who delivered the bike was present at Madipur Metro station on 03.12.2023 before the incident.”

3. Learned counsel for the petitioner submits that the present case is based on the disclosure statement only of the co-accused Vansh Gola. It has been submitted that the petitioner was also arrested on the statement of the co-accused Vansh Gola. Learned counsel submits that co-accused Vansh Gola has already been released on bail vide BAIL APPLN. 1913/2024 dated 05.08.2024 namely “Vansh Gola vs. State of NCT of Delhi”. It has further been submitted that the accused/applicant has also been admitted to bail in case FIR No. 109/2022 under Section 302/34 IPC and 25/27 Arms Act, registered at PS Alipur, Delhi. Learned counsel submits that the applicant is in custody since 15.12.2023.



4. Learned APP for the state has opposed the bail application on the ground that it is a serious case where certain people operating in gang had fired upon the complainant. Learned APP submits that the accused/applicant is a habitual offender as his involvement is found in another murder case. Learned APP for the state submits that besides the disclosure statement of coaccused Vansh Gola there are other evidence also through CDR showing the involvement of the present petitioner.
5. The paramount consideration while considering the bail in serious offences are the nature and gravity of the offence, antecedents of the offender, possibility of the accused being flee away and possibility of threatening or tempering of the witnesses. However, at the stage of the bail, the Court cannot meticulously examine the evidence nor can appreciate the probative value of the witnesses.
6. As per the status report, the petitioner was arrested on the basis of the testimony of co-accused Vansh Gola who disclosed that the present applicant who was known to him and on his directions co-accused Vansh Gola took the motorcycle from Deep Vihar, Sector-23, Rohini, Delhi on 03.12.2023 and gave the same to accused Akash @ Kasha at Madipur Metro Station. Besides this, as per the status report co-accused Akash @ Kasha and co-accused Vans Gola and the present applicant were in constant touch with destination IP 98.41.121.53 from 29.11.2023 to 03.01.2024.
7. The investigating agency has stated that this belongs to Internet Service Provider Comcast Cable Communications LLC, Location California Clovis USA which indicates that someone from outside of India was directing the accused. It has also been stated that as per CDR



and locations chart of the mobile of all the accused persons, it is revealed that the trio of shooters were present near the place of occurrence on 29.11.2023 and 03.12.2023. However, admittedly the applicant is not amongst the shooters. Thus at this stage, the evidence against the petitioner is the disclosure statement of co-accused and IPDR record of petitioner's mobile and mobile of other accused persons. It has also been submitted that the petitioner also belongs to the dreaded Lawrence Bishnoi gang.

8. It has been submitted that the accused is already on bail in another case and is a young man of 23 years of age. Taking into account the facts and circumstances of the case, the petitioner is granted regular bail upon furnishing a personal bond of Rs. 50,000/- with one surety of the same amount, subject to the satisfaction of the Ld. Trial Court and the following conditions:
- a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b) the petitioner shall appear before IO/SHO on every Friday at 04:00 P.M. till the evidence of the prosecution witnesses is recorded.
 - c) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - d) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - e) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;



- f) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
9. The present application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 22, 2024/AR/NA..