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

+ **BAIL APPLN. 2258/2023**

AMAN @ SHERA

..... Applicant

Through: Mr. Kaushal Thakur and
Mr. Rahul Thakur, Advs.

versus

THE STATE (N.C.T. OF DELHI)

..... Respondent

Through: Mr. Utkarsh, APP for the
State with SI Amit Kumar,
PS Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

29.01.2024

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1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in FIR No. 73/2023 dated 14.02.2023, under Section 307/387/34 of the Indian Penal Code, 1860 and Section 25/27 of the Arms Act, 1959 registered at Police Station Punjabi Bagh.
2. It is alleged that the applicant, on 14.02.2023, had shot from fire arm inside Shop No. 9, Om Shivam Jewellers, Club Road, Punjabi Bagh. The shots were fired at the owner of the shop namely, Ajay Verma. It is alleged that a total of six rounds were fired with the intention to kill him.
3. The learned counsel for the applicant submits that the applicant has been falsely implicated in this case.
4. He submits that the applicant was arrested on 27.02.2023 in relation to another FIR being FIR No. 52/2023 under Section 25 of the Arms Act, 1959 registered at the Police Station Special Cell.



5. He submits that the Investigating Agency claims that on 13.03.2023, the applicant made a disclosure about his involvement in relation to the shooting, as alleged in the present FIR.

6. He further submits that the other witnesses, who were present inside the shop at the time of the alleged incident, had also failed to identified the applicant during the judicial Test Identification Parade.

7. The learned Additional Public Prosecutor (**APP**) for the State submits that the applicant is involved in other cases of similar nature as well.

8. He submits that the voice recording, which was taken from the shop on the date of the incident, is sent to FSL for examination, and the report is awaited.

9. He further submits that the CCTV footage of the nearby areas have shown the presence of the applicant in the area at the time of the alleged incident.

10. It is not disputed that apart from the disclosure statement made by the applicant himself, while he was in Police custody in relation to FIR No. 52/2023, at this stage there is no other material which would implicate the applicant in the present case.

11. The evidentiary value of the statement given by the accused while in Police custody, which is not corroborated with other material, is doubtful at this stage.

12. It is also noted that neither the owner of the shop, who is alleged to have been shot at, nor the son, wife, and one worker, who were stated to be inside the shop at the time of the alleged incident, have been able to identify the applicant, during judicial Test Identification Parade.

13. The applicant was arrested on 13.03.2023. The



chargesheet has already been filed, however, it is apparent that no arguments have taken place on the charge since the Police is awaiting the FSL report.

14. Since the applicant is in custody since 13.03.2023, no purpose would be served by keeping the applicant in further incarceration.

15. Therefore, without commenting further on the merits of the case, keeping the facts and circumstances in mind and the fact that the trial is likely to take some time, I am satisfied that the applicant has made out a case for the grant of regular bail.

16. The applicant, therefore, is directed to be released on bail in FIR No. 73/2023 on furnishing a bail bond in the sum of ₹50,000/- (Rupees Fifty Thousand Only) with two sureties of the like amount, subject to the satisfaction of the Trial Court / Duty Metropolitan Magistrate on the following conditions:

- a. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- b. He shall under no circumstance leave the country without the permission of the Trial Court;
- c. He shall appear before the learned Trial Court as and when directed;
- d. He shall, upon his release, give his mobile number to the concerned IO/SO and shall keep his mobile phone switched on at all times;

17. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal.

18. It is also made clear that the observations made in the present case are only for the purpose of considering the bail



application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

JANUARY 29, 2024

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