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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2488/2024 & CRL.M.A. 20843/2024
VINAY KUMARPetitioner

Through: *Appearance not given*

versus

STATE NCT OF DELHIRespondent
Through: Ms. Richa Dhawan, APP for the
State.
ASI Vijay Shankar, Insp. Vipin
Kumar, PS Sunlight Colony.

+ BAIL APPLN. 2505/2024 & CRL.M.A. 20940/2024
KHUSHAL SINGHPetitioner

Through: *Appearance not given*

versus

STATE NCT OF DELHIRespondent
Through: Ms. Richa Dhawan, APP for the
State.
ASI Vijay Shankar, Insp. Vipin
Kumar, PS Sunlight Colony.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **19.07.2024**

1. Petitioners have approached this Court seeking Bail in FIR No.177/2024 dated 27.05.2024, registered at Police Station Sunlight Colony, for offences under Sections 392/397/307/34 IPC read with Section 25 of the Arms Act, 1959.
2. Material on record discloses that on 27.05.2024 a PCR call vide GD No.21A was received wherein the caller stated that he heard gun shots



during the night and found empty shells in the morning. It is stated that the information was entrusted to ASI Vijay Shankaram who reached the spot and met the caller, i.e. Deepak, who told him that when he came out of the house in the morning he saw empty cartridge on the street. The empty cartridge was taken into custody and an FIR under Section 25 of the Arms Act was registered. It is stated that during the course of investigation, CCTC footage of the sport was analyzed wherein it was found that on the intervening night at around 02:30 AM, 2-3 men came on a scooty bearing No.DL-1SAE-5722 and attacked on South African Nationals with gun and they also fired gun shots. It is further stated that during investigation, one of the men who was seen with the fire arms was identified as Sandeep S/o Tara Chand and he was apprehended. The said Sandeep disclosed that he along with his associates namely, Suraj, Batan, PP, Kalu and Pawan forcefully entered in House No.83A, Shriram House, Hari Nagar, Ashram and robbed the said house. It is stated that during investigation, both the Petitioners herein were identified from the CCTV footage accompanying accused Sandeep and they were also arrested.

3. Status Report has been handed-over by the learned APP for the State during the course of the hearing. The same is taken on record.

4. A perusal of the FIR and the Status Report shows that gun shots have been fired. The offences against the Petitioners are serious in nature. The investigation is at a very nascent stage. The offences alleged against the Petitioners are serious in nature.

2. In Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496, the Supreme Court laid down the parameters for granting or refusing the grant of bail which are as under:



“i. whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

ii. nature and gravity of the accusation;

iii. severity of the punishment in the event of conviction;

iv. Danger of the accused absconding or fleeing, if released on bail;

v. character, behavior, means, position and standing of the accused;

vi. Likelihood of the offence being repeated;

vii. Reasonable apprehension of the witnesses being influenced; and

viii. Danger, of course, of justice being thwarted by grant of bail.”

5. Applying the said parameters to the facts of the present case, this Court is of the opinion that if released on bail, the possibility of the Petitioners tampering with witnesses cannot be ruled out.

6. In view of the above, this Court is not inclined to grant bail to the Petitioners herein at this juncture.

7. Accordingly, the Bail Applications are dismissed, along with the pending applications, is any.

SUBRAMONIUM PRASAD, J

JULY 19, 2024

Rahul