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

+ **BAIL APPLN. 3446/2024**

RAHUL CHOUDHARY

.....Petitioner

Through: Mr. Tejendra Rajawat Adv, Mr.
Gopal ji Adv, Adv Chander Bhan
Singh Adv.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with ASI Brijesh Kumar, PS New
Ashok Nagar.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

19.12.2024

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1. This petition has been filed seeking regular bail in FIR No.254/2024 dated 23rd April, 2024 registered at PS New Ashok Nagar, under Sections 307/34 IPC and Sections 25/27 of the Arms Act. Petitioner was arrested on 28th May, 2024.
2. The Nominal Roll shows another FIR bearing No.211/2024 under Section 25 Arms Act registered at PS Special Cell, in which the petitioner is on bail. The said FIR was registered under the Arms Act after this incident.
3. The case of the prosecution is that, information was received on 23rd April, 2024 regarding firing of a weapon. The complainant, Vipin Kumar recorded his statement, where he stated that when he was going to the opening ceremony of a restaurant of his friend Sunil, the petitioner, one Johny and one Jasbir were present there, who had enmity with the



complainant regarding some financial transactions. They started misbehaving with him, and after some time, the matter was resolved. Vipin left with Sunil from the restaurant and was dropped at Khera Devta Mandir. The petitioner, Johny and Jasbir, followed him, and at around 12:30 A.M., when Vipin was going home on foot and reached Pipal Chowk Dallupura, the three persons met him and abused him. According to the complainant, Johny opened fire upon him. However, the same did not result in any injuries, as he managed to save himself. Counsel for petitioner contends that the co-accused Jasbir was seen along with the petitioner as per the case of the prosecution.

4. APP for the State submits that, a video clip upon which counsel for petitioner relies (*as noted in Trial Court's order dated 27th August, 2024 dismissing his bail*), shows that the petitioner is standing with Johny who fired the gunshots. There seem to be two video clips, one, which was noted by the Trial Court, and another, in which the two persons are seen, along with the victim.

5. Snapshots of the CCTV footage have been placed before this Court in which it is seen that on 23rd April, 2024 with the timestamp of 00:23:20 a person is seen wielding an arm while the petitioner, as per the prosecution, is behind him. In another picture, it seems that the petitioner is potentially stopping the person who was wielding the arm, although it is not very clear. It is noted that there was no injury from the firing.

6. Further, counsel for petitioner also points out that though in the FIR, the complainant, who was known to the accused and lives in his vicinity, stated that the petitioner along with Jasbir had held him and exhorted Johny to fire at him, the CCTV snapshots presented by the prosecution show quite



otherwise since neither of the accused are in the frame close to where Johnny is seen to be firing.

7. Further, it is stated that the co-accused Jasbir who, as per the FIR, allegedly with the same role as the petitioner, has been granted bail by the Trial Court on 03rd July, 2024.

8. Aside from claiming bail on parity, counsel for the petitioner states that there was no injury to the victim; the victim falsely implicated them because of previous enmity and disputes between them.

9. Further, it is stated, there is no evidence of the fact that the petitioner had fired any shot at the victim or otherwise, which is quite clear from the CCTV footage as well.

10. APP for the State, however, contends that the CCTV footage shows the presence of the petitioner when Johnny is seen firing.

11. APP for the State further points out to petitioner's submission recorded before the Trial Court where he stated that the applicant tried to pacify the dispute between the victim and other co-accused person between Rahul and Johnny. It was noted by the Trial Court that Jasbir is nowhere to be seen in the CCTV footage, on this account, no parity can be granted.

12. Counsel for the petitioner, however, states that it is apparent from the CCTV footage that both the petitioner and Jasbir came to the place where Johnny had already fired the shot, as can be seen in one of the footage frames provided by the prosecution.

13. Accordingly, considering the contentions of the petitioner, the investigation being complete, the chargesheet already being filed, and that the co-accused has been granted bail by the Trial Court six months ago, the petitioner is granted bail. Consequently, the petitioner is directed to be



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

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. every 2nd and 4th Friday of every month at 4 p.m. and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

14. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall



not be construed as an expression on merits of the matter.

15. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

16. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

17. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 19, 2024/MK/sc