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

+ **BAIL APPLN. 4167/2024 & CrI. M.A. 34303/2024**

SUNIL GUPTA

.....Petitioner

Through: **Mr. Rishipal Singh and Ms. Radha Rani, Advocates.**

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Laksh Khanna, APP for State with SI Mahendra Koli PS Bhalaswa Dairy, Delhi.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

18.11.2024

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1. The present application has been filed by the petitioner/applicant seeking anticipatory bail in FIR No. 839/2024 registered under Section 109(1)/3(5) BNS and 25/27 Arms Act at PS Bhalswa Dairy, Delhi.
2. Issue notice.
3. Learned counsel for the petitioner/applicant submits that in the present case, though the prosecution has alleged offence under Section 307 IPC inasmuch the co-accused have stated to have fired the gunshots, no such allegations have been levelled against the present applicant. It is further submitted that the applicant has not even been stated to be present at the spot. He further submits that as per the disclosure of the co-accused, the only role attributed to the present applicant is of supplying the arms used in the commission of the offence.
4. Learned APP for the State on the other hand has opposed the bail



application by contending that the weapon used in the offence i.e. two country-made pistols as well as recovery of 129 live cartridges were statedly supplied by the present applicant. He states that subsequently on the disclosure statement of the co-accused, another country-made pistol was recovered from the plot belonging to the present applicant for which a case under Section 27 Arms Act was registered against him. He states that the applicant is the BC of the area and is also involved in three other cases being FIR No.0370/2017, 98/2012 and 338/2019, the last being registered under Section 302/34 IPC read with Arms Act.

5. I have heard learned counsel for the parties and perused the record.
6. The applicant is stated to be neither present at the spot nor involved in the offence. The only role assigned to the present applicant is of supplying of arms used in the commission of offence, that too solely as per the disclosure statement of the co-accused.
7. During the course of hearing, learned counsel for the petitioner states upon instructions that the open plot from which later a country-made pistol was recovered also does not belong to the present applicant.
8. Without commenting further on the merits of the case, it is directed that in the event of arrest, the applicant be released on bail subject to his furnishing a personal bond in the sum of ₹50,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-
 - (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.



- (ii) The applicant shall join the investigation as and when asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential addresses/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the Trial Court.

9. The bail application is disposed of in the above terms along with pending applications.

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

NOVEMBER 18, 2024/rd