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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 4313/2024 & CRL. MA 35262/2024
KAUSHALPetitioner
Through: Mr. C.M. Sangwan, Advocate.

versus

THE STATE (GOVT. OF NCT DELHI)Respondent
Through: Mr. Aman Usman, APP for State with
Inspector Pawan Yadav and SI Vishal
Malik PS Special Cell, Delhi.

+ BAIL APPLN. 4318/2024 & CRL. MA 35284/2024
SACHIN @ PATAPetitioner
Through: Mr. C.M. Sangwan, Advocate.

versus

THE STATE (GOVT. OF NCT DELHI)Respondent
Through: Mr. Aman Usman, APP for State with
Inspector Pawan Yadav and SI Vishal
Malik PS Special Cell, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.11.2024

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1. By way of present bail applications, the applicants seeks regular bail in FIR No. 556/2024 registered under Sections 109(1)/324/3(5) of BNS, 2023 and 25/27 Arms Act at Police Station Narela, Delhi. Since the applicants are co-accused in the same FIR and similar submissions have been made, their applications are being decided by way of a common order.
2. Learned counsel for the applicants submits that while the applicant Kaushal is in custody since 22.09.2024 the applicant Sachin @ Patta is in custody since 26.09.2024. It is stated that as per the prosecution case, it is



the co-accused who was having the pistol and who allegedly fired at the complainant. The role attributed to the present applicants is of being present along with the main accused. It is also stated that there is no recovery from the present applicants. It is further submitted that the charge-sheet already stands filed and charges are yet to be framed.

3. The bail application is opposed by learned APP for State who has handed over a copy of the status report, which is taken on record. He submits that the instant case pertains to an incident that took place on the intervening night of 19/20.08.2024. The complainant has alleged that co-accused *Kunal* and *Sahil @ Sunny* stopped their Wagon-R car in front of his car, They were armed with pistol and were accompanied by other accused persons including the present applicants. They not only threatened the complainant but also, when he tried to escape, fired gunshots and the bullet hit the rear side of his car. It is also stated that the applicant Kaushal is involved in another case being FIR No. 09/2024 registered at PS Bawana under Section under Section 25/54/59 of Arms Act.

4. I have heard the learned counsel for the parties and perused the record placed before me.

5. In the present case, the complainant has not levelled any allegations against the present applicants. The alleged gun-shot is fired by other co-accused. There is no recovery of any material of incriminating nature from the present applicants.

6. Considering the totality of the facts and circumstances and the period of custody undergone, it is directed that the applicants be released on regular bail subject to their furnishing personal bonds in the sum of Rs.25,000/- with one surety each of the like amount to the satisfaction of the concerned Jail



Superintendent/concerned Court/Duty JMFC/Link JM and subject to the following further conditions :-

- i) The applicants shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicants shall provide their mobile numbers to the Investigating Officer on which they will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicants shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicants shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicants shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail applications are disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to present bail applications and 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 applications.

MANOJ KUMAR OHRI, J

NOVEMBER 26, 2024/rd