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

+ **BAIL APPLN. 4537/2024 CRL.M.(BAIL) 2096/2024**

SUNIL GUPTA

.....Petitioner

Through: Mr. Rishipal Singh, Ms. Radha Rani,
Mr. Dinesh Kumar and Ms. Ravina,
Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State with
SI Balwant and SI Mahendra Kali,
PS- Bhalswa Dairy.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.12.2024

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1. This petition has been filed seeking anticipatory bail in FIR No. 860/2024 dated 24th October, 2024 registered under Section 25/54/59 Arms Act at P.S. Bhalswa Dairy.
2. The case of the prosecution is that during investigation of FIR No. 839/2024 dated 16th October, 2024 registered under Sections 109(1)/3(5) BNS and Sections 25/27 Arms Act at PS Bhalswa Dairy, raid was conducted wherein accused Juber and CCL 'R' were apprehended on 17th October, 2024 and two pistols, one country-made pistol (*desi katta*), and 129 live cartridges were recovered from their possession.
3. During further investigation, accused Shakil Malik @ Akil was also arrested on 22nd October, 2024. Subsequently, post further investigation,



accused Vicky @ Ankit was also arrested.

4. Accused Ankit got recovered another loaded country-made pistol, plot of the petitioner at Gali No. 8 D-Block, Swami Shradhanand Colony Bhalswa Dairy, North West Delhi.

5. As per the Status Report, on interrogation, the accused persons and CCL have all disclosed that the recovered weapons belonged to the petitioner.

6. Before the alleged incident, the petitioner gave two pistols – one desi Katta to Ankit @ Vicky and one pistol and live cartridges to accused Abhisek @ Bidi, and one country-made pistol and live cartridges to accused Subhan. On the intervening night of 16th and 17th October, 2024, petitioner apparently gave another *desi katta* and bag containing ammunitions to Ankit @ Vicky.

7. This Court granted anticipatory bail to the petitioner in FIR No. 839/2024 *vide* order dated 18th November, 2024 in ***BAIL APPLN. 4167/2024*** titled ***Sunil Gupta v. The State of NCT of Delhi***. One of the conditions of the bail was that the petitioner would join the investigation. The Status Report further records that the victim in FIR No. 839/2024 has since passed away on 1st December, 2024, succumbing to the gunshot injuries. Accordingly, Section 103(1) BNS was also invoked.

8. More specifically, it is stated by the APP, on instructions as well as recorded in the Status Report, that the petitioner did not join the investigation in FIR No. 839/2024 and, therefore, violated the conditions of the anticipatory bail granted by this Court.

9. Investigation has since ensued relating to the bulk quantity of arms and ammunitions in both these FIRs, notices were issued but the petitioner



has not been found present. It is stated that he is absconding and he has concealed himself. NBWs were obtained against the petitioner by order dated 20th November, 2024.

10. It is noted that the Court had requisitioned the SCRB Report of the petitioner. The SCRB Report notes that there is a previous FIR No. 338/2019 under Section 302/34 IPC and Section 27/54/59 Arms Act.

11. There is also FIR No. 370/2017 PS Bhalswa Diary under Section 147/148/149/427/505 IPC, and FIR No. 98/2012 PS-Crime Branch under Section 33 Delhi Excise Act.

12. APP for State further states, on instructions, that the petitioner has been classified as a Bad Character person in “*Bundle 1*”.

13. Counsel for the petitioner has primarily based his case on the previous anticipatory bail order passed by this Court in FIR No. 839/2024 as noted above.

14. However, considering the subsequent circumstances as have arisen, the nature of the allegations, in addition to the previous involvements, this Court is not inclined to grant the relief of anticipatory bail.

15. This petition is accordingly dismissed.

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

ANISH DAYAL, J

DECEMBER 20, 2024/nd/sc