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

% *Date of Decision: 17.01.2025*

+ **BAIL APPLN. 167/2025 & CRL.M.A. 1090/2025**

+ **BAIL APPLN. 168/2025 & CRL.M.A. 1091/2025**

+ **BAIL APPLN. 169/2025 & CRL.M.A. 1092/2025**

VIKASH @ BHIM

.....Petitioner

Through: Mr. Ramesh Gupta, Senior Advocate with Mr. B. S. Jakhar, Mr. Vikram Singh Jakhar, Ms. Bhawna Jakhar, Mr. Neeraj Jakhar, Mr. Viraj Rathee, Ms. Varnika Sharma, Mr. Vishul Dabas and Mr. Mohit Yadav Advocates

versus

THE STATE OF NCT OF DELHI THROUGH ITS
STATION HOUSE OFFICER POLICE STATION
JAFFARPUR KALAN NEW DELHI-110073Respondent

Through: Mr. Raj Kumar APP for the State with IO SI Himanshu Mr. Sudhanshu Tima and Mr. Ayush Tomar, Advocates for Complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J (ORAL)

1. The present applications have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') on



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behalf of the applicant Vikash @ Bhim, seeking grant of anticipatory bail in cases arising out of following FIRs: (i) FIR No. 113/2024, under Sections 324(6)/3(5) of Bharatiya Nyay Sanhita, 2023 (hereafter 'BNS'), (ii) FIR No. 149/2024, under Sections 331(5)/61(2)/351(3)/111/3(5) of BNS, and (iii) FIR No. 150/2024, under Sections 25/54/59 of Arms Act, all registered at Police Station Jaffarpur Kalan, New Delhi.

2. Briefly stated, the facts of the case are that FIR No. 113/2024 was registered on the complaint of one Rajesh Kumar, who stated that on 10.10.2024, he was present at his house along with one of his friends and other family members. At about 10 PM, while they were having dinner, they had heard multiple gunshots near their house, after which they had rushed inside a room. After a while, when they had gone outside, they had seen multiple bullet cartridges in front of their house and bullet marks on the main gate, windows, and walls. Two persons had come on a motorcycle and had fired multiple gunshots to intimidate them. During the course of investigation, several empty cartridges found at the scene of the crime were seized. Additionally, it was revealed that a separate case, FIR No. 149/2024, had been registered at P.S. Jaffarpur Kalan.

3. The FIR No. 149/2024 had been registered following a PCR call received *vide* DD No. 48A, dated 17.11.2024, regarding house trespassing. SI Meena, along with police staff, had reached the spot near Government Senior Secondary School, Village Kair Main Road, Delhi, where vehicles had been parked, and about 8-10 people had



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gathered on the disputed plot with the intent to take its forceful possession. On seeing the police staff, all of them had fled from the spot. Meanwhile, SI Meena had met the complainant, Manish, who was too frightened to give a statement despite repeated requests and had informed that he would discuss the matter with his family and provide a statement later. Subsequently, on the next day i.e. 18.11.2024, the complainant had visited the police station and informed that his brothers Naresh and Parminder Singh had jointly bought a plot bearing *khassra* no. 301/4/1 and 4/2, measuring 1600 sq. yards, and that he had constructed a boundary wall on the plot in 2010. Since then, the said portion of the plot had been in their possession. He further stated that he had come to know that Parminder had prepared papers for the plot in favor of one Vikas (present applicant) in 2014, and these papers had been shown as prepared on old stamp papers. On 17.11.2024, he had received information at about 4:15 PM that Vikas and Parminder had sent their goons to take forceful possession of the plot. Upon rushing to the plot, he had found the lock of the main gate broken and some persons armed with *lathis* and *dandas* present on the plot. He had then made a PCR call regarding the same. After some time, when the police personnel had arrived, all the goons had managed to flee and had also threatened him with dire consequences. On these allegations, FIR No. 149/2024 was registered.

4. Thereafter, during the course of the investigation in the aforesaid FIR, the police officials were on their way to Village Kair



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from Surhera Mor when, near Shamshan Ghat, they had seen a white Baleno car coming from the opposite direction. On suspicion, they had asked the vehicle to stop, but the driver had off-roaded the car into the fields, where it had gotten stuck. Thereafter, all the occupants had attempted to escape from the spot. However, the police officials had chased them and overpowered all of them. Upon searching the accused persons, a pistol with two loaded cartridges were recovered from accused Deepak; two live cartridges were recovered from Mohit; a desi *katta* with one loaded cartridge was recovered from Satender; two live cartridges were recovered from Rohit; a pistol with two loaded cartridges were recovered from Yogesh; and two live cartridges were recovered from Rahul. Thereafter, FIR No. 150/2024 for offences punishable under Sections 25/54/59 of the Arms Act, dated 18.11.2024, was registered at Police Station Jaffarpur Kalan. During the investigation, all the accused persons had disclosed their involvement in attempting to take forceful possession of the plot in the present case. Subsequently, all the accused persons were arrested.

5. During the investigation, the accused Yogesh and Deepak, also disclosed their involvement in the incident of multiple gunshots fired on 10.09.2024, acting on the directions of the present accused Vikas @ Bheem. Subsequently, the said accused were also arrested in FIR No. 113/2024, who disclosed that present accused Vikas @ Bheem had provided the arms to Yogesh for committing the offence.

6. During the course of the investigation, it was revealed that accused Yogesh had contacted the applicant Vikas @ Bheem on the



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direction of gangster Anil Chhepi. Upon interrogation, it was found that Vikas @ Bheem and Parminder had conspired with Yogesh to take possession of the property in dispute. Vikas @ Bheem had shown the property to Yogesh and handed over a set of documents. Yogesh had then contacted other accused persons, namely Deepak, Satender, Rohit, Mohit, and Rahul, and they had gathered near Bahrota Chowki, Sonipat, Haryana, where they had conspired to execute their plan. Further investigation also led to the recovery of property documents (in the name of Vikas @ Bheem) from Yogesh's vehicle, which, upon verification, were found to be forged. It is alleged that all the accused persons in the present case are associated with the Anil Chhepi and Sandeep @ Kala Jhateri gang and have been previously involved in several heinous crimes.

7. The learned senior counsel appearing for the present accused/applicant argues that the applicant has been implicated in the present FIRs, on the basis of disclosure statements of co-accused persons. It is argued that the applicant is neither named in the FIRs nor involved in the commission of the offence, directly or indirectly. It is contended that no specific role has been assigned to applicant in these FIRs and the applicant was not present at the spot. There is also no evidence in the form of CDR locations, etc. to show the presence of the applicant at the time of alleged incident. It is also stated that the present applicant does not know any of the co-accused persons. Thus, it is prayed that the present applicant be granted anticipatory bail.

8. *Per contra*, the learned APP for the State vehemently opposes



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the present bail application and argues that during the course of the investigation, it has been revealed that there was a dispute over the ownership and possession of the property in question, measuring 1600 sq. yards, between Naresh and Parminder, and the applicant herein had also been claiming his ownership over the property on the pretext that he had purchased the property from Parminder in the year 2014. It is contended that the investigation so far has revealed that the co-accused Yogesh had contacted the applicant herein on the direction of the gangster Anil Chhepi, and it was the applicant herein and Parminder who had conspired to take possession of the disputed property. It is stated that the investigation is still at an initial stage and the present applicant also has previous involvements in cases of similar nature. Therefore, it is prayed that the present bail application be dismissed.

9. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

10. Upon careful consideration of the facts, submissions, and records, this Court notes that the present case is still at an initial stage of investigation. As evident, the allegations against the present applicant are grave and serious in nature, who is alleged to have conspired with co-accused persons in order to take over the possession of the disputed property through force and illegal means. During the course of investigation, it was revealed that the applicant herein had supplied firearms to the co-accused persons, which were used in the commission of the offence. This Court's attention was



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also drawn to the fact that during the course of investigation, certain documents, pertaining to present applicant Vikas, had been recovered from the vehicle of co-accused Yogesh (who had been apprehended at the spot with firearms) and the said documents on verification were found to be forged. The impugned order also records that the applicant had used Signal App to coordinate with the accused persons.

11. The learned APP for the State submitted, on the instructions from the I.O., that the custodial interrogation of the applicant is essential to uncover the larger conspiracy and identify the source of the weapons provided by the applicant to the co-accused persons. Concededly, the applicant herein is also accused in one other case of similar nature i.e. FIR No. 555/2017, registered at P.S. Tilak Nagar, under Sections 186/353/307/34 of IPC and Sections 25/27/54/59 of Arms Act. It is also pointed out that all the co-accused persons, arrested in this case, are associated with gangs of Anil Chhepi and Sandeep @ Kala Jhateri, with whom the present applicant had allegedly conspired to take over the possession of the property in question.

12. In this Court's opinion, the use of firearms to intimidate and threaten the complainant, with the objective of taking illegal possession of the property, adds to the seriousness of the offence and also poses a challenge to the public order and rule of law.

13. In view of the foregoing discussion, and considering the seriousness and gravity of offence, this Court finds no ground to



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allow the present anticipatory bail applications filed by the applicant.

14. Accordingly, the anticipatory bail applications are dismissed along with pending applications.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 17, 2025/ns/A