



\$~11

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

+ **BAIL APPLN. 219/2025**

YUVRAJ SINGH @ TUSHAR

.....Petitioner

Through: Mr. Akhand Pratap Singh, Ms. Samridhi Dobhal, Mr. Krishna Mohan Chandel and Mr. Hrithik Maurya, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Chahar, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

12.02.2025

%

1. The present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 490/2024, registered at Police Station Timar Pur, Delhi, for offences punishable under Sections 109(1)/351(3)/3(5) of Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Briefly stated, the facts of the case are that the present FIR was lodged at the instance of the complainant Naresh Kumar @ Bhopa on the ground that on 14.09.2024, at around 10:55 PM, at the crossing of Balakram Hospital, Fateh Singh Marg, three accused persons, who came on a motorcycle, had given gunshot injuries to him with the intention to kill him.



He disclosed that Sagar (who was later found to be a CCL) was riding the motorcycle, accompanied by two pillion riders, one of whom was Shyam Yadav. The complainant had recognized them since they used to live in slums nearby. He alleged that Shyam had abused him and thereafter fired at him, and that earlier also, he had received death threats from the abovesaid persons. The co-accused Sagar and Shyam were arrested on 15.09.2024. The present applicant/accused was later on arrested on 06.10.2024 by the Crime Branch in some other matter and then formally arrested in this case.

3. The learned counsel appearing for the applicant states that the investigation is already complete and charge sheet has already been filed. It is argued that no recovery was affected from the applicant and there is no evidence against him in the present case. It is contended that the applicant has been falsely implicated in the present case. It is also contended that even the grounds of arrest were not supplied to him and for the said proposition, he relies upon the decision in ***Prabir Purkayastha v. State(NCT of Delhi): (2024)8 SCC 254***. It is accordingly prayed that the present applicant be admitted to bail as he has been in judicial custody 06.10.2024.

4. The learned APP for the State, on the other hand, opposes the present bail application by submitting that the allegations against the present applicant are serious in nature. It is argued that the applicant is a habitual offender as he was arrested in the present FIR, pursuant to his arrest in some other case. It is accordingly prayed that the bail application of the present applicant be rejected.

5. This Court has heard arguments advanced by the learned counsel for the parties and has perused the record.

6. In the present case, the allegations against the accused persons are that



while riding on a motorcycle, they had shot at the complainant and bullet had hit him on his right ear. The MLC of the complainant categorically mentions about the gunshot injury received by him. The complainant herein, in his statement, has clearly mentioned that there were three accused on a motorcycle and disclosed the names of two of them i.e. Sagar and Shyam. As far as present applicant is concerned, the complainant had identified him during Test Identification Parade (TIP).

7. In so far as the contention of the learned counsel for the applicant regarding the contradictions in the initial statement given by the complainant and as to the information received by the Investigating Officer (IO) when he reached at the spot is concerned, this Court is of the opinion that the complainant in this case had already been taken to the Hospital when the IO had reached at the spot and, therefore what information the IO had received at the spot and his consequence can only be appreciated during trial. The fact that the complainant has identified the applicant as the one of the accused who was riding the motorcycle in the TIP proceedings, and as such he had received threats on WhatsApp call from the accused persons that he will be killed, along with the fact that the MLC of the complainant has clearly mentioned the gunshot injury being received by him, adds to the gravity of the offence.

8. The material witnesses, including the complainant, are yet to be examined in this case. The judgment relied upon by the learned counsel appearing for the petitioner is clearly distinguishable on the facts of the present case.

9. Considering the overall facts and circumstances of the case, at this stage, no ground for bail is made out.



10. The application is accordingly dismissed.
11. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
12. The order be uploaded on the website forthwith.

FEBRUARY 12, 2025/A

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any