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

+ **BAIL APPLN. 527/2025**

HASSAN @ MANGAL

.....Petitioner

Through: Mr. Manoj Dahiya and Ms. Mahima
Dabas, Advs., Through VC.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the
State.
SI Sudheer, ASI Pradeep.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.05.2025

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1. This hearing has been done through hybrid mode.
2. The present second application under Section 439 of the CrPC/Section 483 of the BNSS has been filed seeking regular bail in case FIR No. 350/2023, under Sections 395/397/411/34 of the IPC and Sections 25/27 of the Arms Act, 1959, registered at P.S. Narela Industrial Area. It is pointed out that the earlier bail application being BAIL APPLN. 2334/2024 filed by the present applicant was dismissed as withdrawn *vide* order dated 02.08.2024.
3. The case of the prosecution against the present applicant as per status report dated 30.03.2025 authored by Insp. Manoj Kumar, SHO, Narela Industrial Area, Outer-North District, Delhi, is as under: -

“1. Briefly stated facts of the present case are that present regular bail application U/S 439 CrPC has been filed by the petitioner in case FIR No. 350/23, Dt. 05.04.2023, U/S 395/397/411 IPC & 25/27 Arms Act of PS Narela Indl Area and through the present petition/application.



2. It is stated that on the intervening night of 04 & 05.04.2023 complainant Mohit S/o Sh. Shyam Lal was performing his duty as security guard along with other guards namely Ved Prakash and others at Pocket-6, Sector-G2, Narela, Delhi. During to Pocket-3, Sector-G2, Narela, Delhi as Amar Singh heard some noise and apprehended thieves being there. Thereafter, complainant along with other guard Ved Prakash reached at aforementioned place at about 04:30 AM. When complainant reached at the main gate of the society they saw two boys were standing there and one of them threatened complainant to go from there and also shown a desi kata. Then complainant shouted and tried to gather some public persons upon which the boys carrying desi kata made a fire in air.

3. After that alleged persons tried to fled away from the spot as public persons stared gathering at the spot and the said desi kata fell down at the spot and all alleged persons successfully fled away from the spot. After this a PCR call was made and on the statement of complainant Mohit S/o Shyam Lal got recorded and a case vide FIR No. 350/23, U/s 393 IPC got registered at PS NIA, Delhi and the investigation was entrusted to ASI. Sudheer Kumar, No. 751/OND.

4. During Investigation weapon used during commission of offence was seized and the place of occurrence was also got inspected by District Crime Team. That witnesses were also examined and their respective statements U/s 161 CrPC were also got recorded and during the examination rest of the witnesses stated that there were 05 accused persons who committed the present offence. 02 of them were standing outside and 03 were committing offence. Therefore, the present offence was investigated U/s 395/397 IPC.

5. During further course of investigation initially 02 accused persons namely Suman S/o Md. Ali (present applicant) and Hasan @ Mangal S/o Md. Ali (both are brother) were arrested in FIR No. 954/2022, U/s 395/397/411 IPC of PS NIA, Delhi and they disclosed their respective role in their discloser statements. After that only both the accused persons above were arrested in the present case and were sent to judicial custody. After that 02 more accused persons namely Salauddin @ Mulla @ Sonu S/o Md. Israil and Suraj @Manish S/o Ram Naresh were also arrested in FIR No. 355/2023, U/s



457/380/411/323/34 IPC of PS NIA, Delhi and they also disclosed their respective role in the present FIR in their discloser statements. After that both the above accused persons were also arrested in the present case and were sent to judicial custody. That judicial TIP of all the 04 accused persons including the present applicant Suman, were got conducted in Tihar/Rohini Jail and all 04 accused persons were correctly identified by the complainant Mohit.

6. That during investigation case property i.e 02 live cartridge were got recovered from the possession of Hasan @Mangal & 07 water tap were got recovered from the possession of accused Suman. That all the 04 accused persons are running in judicial custody since 07.04.2023 and are still in custody.

7. During further course of investigation weapon of offence recovered from the spot was sent to FSL, Rohini for examination and result has been received and the same has been placed before the Hon'ble Court through supplementary chargesheet. During investigation all the witnesses were examined in detail and after completion of investigation, charge sheet in the present case was filed before the court and the present case is pending trial before the Hon'ble court of Sh. Dhirender Rana, Special Judge, NDPS, Rohini court. That charge in the present case has been framed. It is further submitted that one of the accused person namely Salman @ Shekhu is still at large. Further it is stated that TIP of all 04 accused person got successfully done and all the 04 accused persons were correctly identified by the complainant.

8. In this regard, it is submitted that the Prosecution evidence of complainant is going to be recorded in the court of Sh. Dhirender Rana, LD ASJ, Rohini Courts, Delhi on 21.08.2024.”

4. Learned counsel for the applicant has submitted that the latter has been implicated in the present case on account of his disclosure statement in the present case. He further submitted that the complainant had initially reported that 30 boys have barged in to commit theft, however, during investigation, names of only 5 accused persons have surfaced. It is further submitted that



the applicant's brother, Suman, who is also an accused in the present case, was granted bail by this Court in BAIL APPLN. 947/2024 *vide* order dated 15.05.2024 and other co-accused persons, Sallauddin @ Mulla, and Suraj @ Harish, have been granted bail by the learned ASJ *vide* orders dated 03.08.2024 and 10.09.2024 respectively. It is further submitted that the chargesheet in the present case has been filed and the charges have been framed by the learned Trial Court *vide* order dated 11.01.2024. It is further pointed out that the applicant has been discharged for the offences punishable under Arms Act and public witness, Amar Singh, has failed to identify him during his examination before the learned Trial Court. It is further submitted that the applicant has been in custody since 07.04.2023 and has undergone incarceration for more than 2 years.

5. *Per contra*, learned APP for the State has submitted that allegations made in the present case against the present applicant are serious inasmuch as he alongwith his brother, Suman, and other associates had committed the offence. It is alleged that the present applicant had fired a shot in the air with *desi katta*, which had been recovered from the spot as the same was left while running away. It is further submitted that two live cartridges were recovered from the present applicant and therefore, he was chargesheeted under Sections 25/27 of the Arms Act. It is further submitted that the applicant has been involved in several other offences of similar nature and there are as many as 26 cases pending against him.

6. In rejoinder, learned counsel for the applicant has submitted that the nominal roll of the applicant shows the involvement of the applicant in 7 cases only and in said cases he is on bail. Learned counsel has also placed on record the status of the FIRs pointed out by learned APP wherein the applicant has



been involved and as per the status of said FIRs, they were either settled in lok adalats or were disposed of as untraced or cancelled and in one such case, the applicant has been acquitted.

7. Heard learned counsel for the parties and perused the record.

8. Admittedly, the applicant in the present case has been implicated on account of his disclosure statement. The applicant has been discharged for the offences punishable under Arms Act, 1959. It has also not been disputed that one of the public witness, Amar Singh, has failed to identify the present applicant or other accused persons during examination before the learned Trial Court. The veracity of the said allegations will be determined during the course of trial. Brother of the applicant, Suman, was granted bail by this Court in BAIL APPLN. 947/2024 *vide* order dated 15.05.2024 and other co-accused persons, Sallauddin @ Mulla, and Suraj @ Harish, have been granted bail by the learned ASJ *vide* orders dated 03.08.2024 and 10.09.2024 respectively.

9. Chargesheet in the present case has been filed and charges have been framed by the learned Trial Court *vide* order dated 11.01.2024. The case is presently at the stage of prosecution evidence. Out of the 12 witnesses cited by the prosecution, only 4 have been examined so far. Nominal roll dated 21.03.2025 of the applicant shows that he has undergone incarceration for more than 2 years and his conduct for the last one year has been satisfactory.

10. Insofar as other cases pending against the present applicant are concerned, nominal roll shows that he is on bail.

11. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the Learned Trial Court/Link Court, further subject to



following conditions: -

- i. The applicant shall not leave NCT of Delhi without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the Learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
12. The application is allowed and disposed of accordingly.
 13. Pending application(s), if any, also stand disposed of.
 14. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
 15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
 16. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 26, 2025/kr

Click here to check corrigendum, if any