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

+ **BAIL APPLN. 670/2025**

RAJU ALIASH GUNGA

.....Petitioner

Through: Mr. Pranay Abhishek, Adv

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

16.04.2025

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1. This is an application under Section 483 BNSS r/w 439 Cr PC for grant of regular bail to the accused Raju@ Gunga in FIR No. 0354/2022 under Section 302/307/120 B/506 IPC & 25/27 Arms Act registered at PS Hari Nagar, Delhi.

2. Learned counsel for the applicant submits that the accused has not been named in the FIR and his role came into picture only on the basis of disclosure of Co-accused. According to him, the only role of Raju@ Gunga was that he gave his scooty to the co-accused Adnan, Faisal and Ansh who committed the murder and caused injuries to Yashpal Chaudhary.

3. It is further submitted that there is no evidence that there was any prior meeting of mind between the applicant and other co-accused for committing the offence and no call details have been collected by the Investigating agency to show the involvement of the applicant in any manner.

4. It is also submitted that the co-accused Mustafa Tyagi against whom



allegations more grave inasmuch as he handed over the weapon to the co-accused who has since been enlarged on bail vide order dated 30.12.2023.

5. It is also submitted that the applicant is in custody since 08.05.2022 and is not required any further investigation.

6. Learned APP has opposed the bail application. It is submitted that Yashpal Chaudhary @ Jassa and Ajay Pal Chaudhary in their statements have stated that the applicant/accused Raju @ Gunga crossed their Innova car on his scooty, while staring at them. Later, he handed over the scooty to the co-accused persons who were travelling on the same scooty at the time of commission of the offence. The scooty is in the name of nephew of the applicant and was recovered from the spot.

7. It is further submitted that the applicant has been charged under Section 120 B IPC; the case is still at an initial stage and there is likelihood that on being released on bail, applicant may threaten or intimidate the witnesses.

8. The FIR has been registered on the statement of Vijay, son of Dharam Pal. In his statement, he stated that on 07.05.2022, he was coming back from Kalra Hospital, Kirti Nagar, Delhi on his scooty and his uncles namely Ajay Pal Choudhary and Yashpal @ Jassa were coming in their Innova Car. At about 07:45 PM when they reached near Tihar Village Garveyard, three persons of Salman Tyagi's gang came and started firing upon his uncles Ajay Pal Choudhary and Yashpal @ Jassa with intent to kill them. When the complainant's uncle Yashpal @ Jassa, who was driving the car tried to escape, he was chased by the assailants. In the incident, Ajay Pal & Yashpal Chaudhary sustained gunshot injuries. Ajay Pal Chaudhary later expired in the hospital on 30.01.2023. The applicant and four other persons



were arrested and chargesheet was filed against them under Section 302/307/120B/506 IPC.

9. The investigation has revealed that the ownership of the scooty has been verified and as per the record, the scooty is registered in the name of Salman, who is the nephew of the applicant/accused. In his statement under Section 161 Cr PC, Salman stated that applicant had purchased the scooty in his name and was using it.

10. Admittedly, co-accused Mustafa has been granted bail but such order granting bail has been challenged by the complainant before the High Court by filing the petition for cancellation of bail. The applicant is the BC of the area and is stated to be involved in about 17 cases. Material public witnesses are yet not examined. The possibility that on being released on bail, applicant/accused may threaten or intimidate the witnesses, cannot be ruled out at this stage.

11. The allegations are grave and serious in nature. Keeping in view the entirety of the facts and circumstances, nature and gravity of the allegations and the severity of punishment, I am not inclined to grant bail to the applicant/accused at this stage.

12. The application is therefore dismissed.

RAVINDER DUDEJA, J

APRIL 16, 2025/sk