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

\+ BAIL APPLN. 791/2025

HARENDER NAGAR @ KD .....Petitioner

Through: Counsel (appearance not given).

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State with Mr. Rajkamal, Adv.along with SI Vikas Kumar, NR&STF, Spl. Cell.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 02.04.2025

1. By way of this application, the applicant is seeking grant of regular bail in case FIR No. 713/2024, registered at Police Station Mukherjee Nagar, Delhi, for offences punishable under Sections 123/308(3)/351(3)/3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereafter *'BNS'*).

2. The present case was registered on the complaint of Mr. Ankit Sehgal, owner of Sehgal Jewellers, Kingsway Camp, Delhi, who had disclosed that on 24.08.2024, while he was at his shop with his staff, an unknown man had fired 3-4 gunshots outside the premises and had thrown a typed threat letter demanding an extortion amount of ₹1 crore, mentioning the names of several gangs, including the Bawana, Bambhia, Bali, and Bhola groups. The assailant had then fled with an associate who had been waiting on a white Apache motorcycle. Shortly after, the complainant's father had received a

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threatening call from an unknown number (8630429383), warning of dire consequences if the extortion demand was not met. On these allegations, the present FIR was registered at P.S. Mukherjee Nagar, Delhi.

3. The case was later transferred to the Special Cell, where the mobile number used for the threat call was traced to one Hemant Kumar, who had procured the SIM card from a local shop. On 28.08.2024, co-accused persons Hemant Kumar and Nikki Bidhuri were arrested near Tara Chowk, Mukherjee Nagar, while present accused/applicant Harender Nagar was apprehended the following day. It is alleged that during interrogation, the accused persons disclosed that the conspiracy was hatched by the applicant Harender Nagar and one Preet @ Baba Gujjar. The applicant herein, a teacher in a school near the spot of incident, had suggested Sehgal Jewellers as the target after surveying it multiple times. Co-accused Hemant was tasked with procuring fake SIM cards, while Preet arranged firearms, live cartridges, and a motorcycle with a fake number plate. The threat letter was prepared by the applicant Harender Nagar, and he alongwith Nikki Bidhuri had conducted a physical survey of the shop before finalizing it as the target. On 24.08.2024, Preet had introduced Nikki to Akash @ Katil, who was assigned the task to fire at the shop, while Nikki was to keep the motorcycle ready for escape. Akash was handed a pistol with five live cartridges, while Nikki was given another pistol with three cartridges. As planned, Akash had fired at the shop, thrown the threat note, and fled with Nikki.

4. On 01.09.2024, the absconding accused Akash @ Katil was arrested, and he had led the police to the recovery of the firearm used in the crime, along with the clothes he had worn. The motorcycle used in the offence, bearing a fake number plate (UP-14BR-2344), was recovered at the instance

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of co-accused Nikki. The actual registration number of the motorcycle was later found to be DL-1SAG-5272, which had been reported stolen on 10.07.2024. On 14.09.2024, the last absconding accused, Preet @ Baba Gujjar, was also arrested. It is alleged that during interrogation, he had revealed that Harender Nagar (present applicant) was the mastermind behind the conspiracy. Consequently, Harender Nagar was again taken on a three-day police remand, during which he disclosed that he had arranged the firearms and stolen motorcycle through a person named Adi Bihar. As per status report, Adi Bihar remains absconding. The SIM card used to make the extortion call was recovered at Preet's instance on 18.09.2024. Further, during investigation, CCTV footage collected from the area near the incident confirmed the presence of co-accused Akash and Nikki conducting a recce (reconnaissance) before the shooting and fleeing on the same motorcycle after the incident. Additional footage from Geeta Colony showed them traveling on the same motorcycle half an hour after the commission of offence. Further investigation revealed that co-accused Hemant had procured the SIM card from one Manish Kumar Gupta, a mobile shop owner, who has been charge-sheeted without arrest.

5. After the conclusion of investigation, chargesheet was filed against the accused persons. It is stated that supplementary chargesheet shall be filed after receiving the FSL reports.

6. The learned APP for the State vehemently opposes the present bail application, contending that he was the main conspirator and mastermind behind the commission of present offence. It is submitted that the applicant, being a school teacher in the Malkaganj area, had personally conducted reconnaissance of the complainant's shop, Sehgal Jewellers, before

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finalizing it as the target. Thereafter, he had contacted co-accused Preet @ Baba Gujjar, who in turn had arranged fake SIM cards through accused Hemant and engaged co-accused Nikki Bidhuri and Akash @ Katil for the actual firing at the shop. It is further argued that the applicant had arranged the stolen motorcycle and firearms used in the offence from one Adi, who remains absconding. It is also highlighted that the applicant had deliberately concealed his real identity by introducing himself to the co-accused persons as "KD" and had used internet-based calls to communicate with them. It is also contended that the mobile phone used to facilitate the crime was recovered from the applicant's car, and during his police custody remand, he himself disclosed that he had destroyed another mobile device to erase evidence, which necessitated the addition of Section 238 of the Bharatiya Nyaya Sanhita (earlier Section 201 of IPC) to the case. The learned APP also emphasized the applicant's criminal antecedents, stating that he is a habitual offender with prior involvement in two other serious criminal cases i.e. FIR No. 203/2022, under Sections 365/323/364A/385/506/34 of IPC, registered at PS Seemapuri, Delhi, and FIR No. 314/2023, under Sections 419/482/34 IPC, registered at PS I.P. Estate, Delhi. It is contended that though he was granted anticipatory bail in both cases, his repeated involvement in similar offences demonstrate a pattern of his criminal behavior. It is submitted that the investigation is still ongoing, as FSL report is awaited, and absconding accused Adi Bihar, who had supplied the weapons and stolen vehicle, is yet to be apprehended. Given the gravity of the allegations,and the potential for tampering with evidence and influencing witnesses, the learned APP for the State prays that the present bail application be dismissed.

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7. On the other hand, the learned counsel for the applicant argues that the applicant Harender Nagar has been falsely implicated in the present case, as there is no credible evidence linking him to the alleged offence. It is submitted that the applicant is a school teacher by profession, teaching social science subjects at Rawalpindi Senior Secondary School near Sabzi Mandi, Delhi. At the age of 33, he is the sole breadwinner of his family, consisting of his wife and two minor children, who are entirely dependent on him for their sustenance, and thus, his prolonged incarceration has caused undue hardship to his family, which is now struggling to meet its daily needs. It is contended by the learned counsel that the mobile phone allegedly recovered from the applicant does not belong to him, and the prosecution has failed to produce any credible proof establishing ownership of the said device and in the absence of the same, it cannot be said that the said phone belongs to the present applicant. It is argued that no recovery has been made from the applicant. Next, the learned counsel argues that the applicant's alleged involvement in two other FIRs - FIR No. 203/2022 and FIR No. 314/2023 - cannot be the ground to deny him bail, as he has already been granted anticipatory bail in those matters. Additionally, in both those cases, no charge sheet has been filed till date, further indicating that the allegations against him remain unproven. It is also argued that the applicant has been in judicial custody for about eight months, and keeping him detained any longer would serve no fruitful purpose, particularly when the trial is likely to take considerable time to conclude. In light of the above submissions, it is prayed that the applicant be granted regular bail.

8. This Court has heard arguments addressed by the learned counsel for the applicant and learned APP for the State, and has perused the material

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placed on record.

9. In the present case, this Court notes that the allegations against the present accused/applicant, Harender Nagar, are serious and grave in nature. He is alleged to be the mastermind of the entire conspiracy, having conducted the reconnaissance of the complainant's shop and identifying it as the potential target, and thereafter arranging firearms, and a stolen motorcycle to execute the crime. The investigation at this stage reveals that he had played an active role in planning and coordinating the incident, including preparing the typed extortion letter in question, by way of which the complainants were threatened to pay Rs. 1 crore, and instructing his co-accused persons to carry out the firing. Further, a mobile phone allegedly used in the commission of the offence was recovered from the applicant's car, while another mobile phone, which he had used to communicate with co-accused persons, was allegedly destroyed by him, and in view of the same, Section 201 of IPC (now Section 238 of the BNS) was added to the case.

10. In this Court's opinion, the gravity of the offence, which involves an armed attack in a public place to extort a significant amount of money, cannot be ignored. The applicant's previous involvements in other criminal cases (though he was granted anticipatory bail in those cases) also strengthens the apprehension that he may indulge in similar offences if granted bail at this stage.

11. The FSL report is awaited; one co-accused i.e. Adi Bihar is yet to be apprehended, and prosecution witnesses are also yet to be examined. Keeping in view the overall facts and circumstances, this Court does not find any ground to grant regular bail to the applicant at this stage.

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12. Accordingly, the present bail application stands dismissed.

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

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 2, 2025/A

Click here to check corrigendum, if any

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