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

+ **BAIL APPLN. 1001/2025**

PRINCE @ SANDEEP @ MOTAPetitioner

Through: Mr. C.M. Sangwan, Advocate

versus

THE STATE (GOVT. OF NCT DELHI) & ANR.Respondents

Through: Mr. Manoj Pant, APP for the State
with Insp. Vivek Singh, P.S. Alipur.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

20.08.2025

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR No.62/2021, registered at Police Station Alipur, Delhi for commission of offence punishable under Sections 302/120B/34 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 25/27 of the Arms Act, 1959.

2. Briefly stated, the facts of the present case are that on 10.02.2021, an information was received *vide* DD No. 69A that three persons had fired upon the son of the caller and fled from the spot. The police had reached New Firni Road, near Hindustan Lever Godown, Alipur, where the body of the deceased was found in a hut structure on agricultural land, bearing bullet injuries and lying in a pool of blood. Four empty cartridges, one live cartridge, and two bullet leads were recovered from the spot, and the crime team inspected the scene. The body was shifted to BJRM Hospital Mortuary.



The present FIR was accordingly registered.

3. During investigation, the statement of the deceased's father, Kunal Maan, was recorded. He stated that while on his way to the agricultural field, he saw the applicant/accused Sandeep @ Prince @ Mota pointing towards the land, and shortly thereafter he found his son shot dead. He alleged that as the applicant was a member of the Gogi Gang, he, along with co-accused Jitender @ Gogi and Dinesh @ Karala, had conspired to kill his son with the help of their associates. Subsequently, Jitender @ Gogi, Dinesh @ Karala, and the applicant were arrested.

4. The learned counsel appearing on behalf of the applicant argues that the applicant has been falsely implicated in the present case. It is argued that nothing incriminating has been recovered from the applicant, and even as per the case of the prosecution, the applicant was not present at the spot. The only allegation against the applicant is pertaining to Section 120B of IPC and the name of applicant was disclosed in the disclosure statement of co accused Dinesh @ Karaliya. It is also argued that the mother of the deceased was present at the spot, however, her statement was recorded on the next day. It is argued that the parents of the deceased have already been examined as PW2 and PW3 and they have not attributed any role to the applicant herein. It is also argued that the applicant has been in judicial custody since 12.02.2021. Therefore, it is prayed that the applicant be released on regular bail.

5. The learned APP for the State, on the other hand, argues that the allegations against the applicant are grave and serious in nature. He, however, does not dispute the fact that the two material witnesses i.e. parents of deceased have already been examined and they have not



supported the prosecution's case insofar as the applicant herein is concerned. But considering the seriousness of the offence, he prays that the bail application be dismissed.

6. This Court has heard arguments addressed on behalf of both the sides and has perused the material available on record.

7. Considering the overall facts and circumstances of the case, the fact that the father of the deceased, who was examined as PW-2 turned hostile *qua* the allegations against the applicant and stated that he had not seen the applicant talking with other boys and pointing towards their room, and also the fact that mother of deceased (PW-3) has also not deposed anything against the applicant, and in view of the fact that the applicant has been in judicial custody since 12.02.2021 and the trial will take time to conclude, this Court is inclined to grant regular bail to the applicant herein, on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) The applicant shall not communicate with, or come into contact



with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

8. Accordingly, the present bail application stands allowed and is disposed of.

9. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

10. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 20, 2025/zp