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

+ **BAIL APPLN. 1029/2025**

ADITYA@HAPPY

.....Petitioner

Through: Mr. Tarun Gahlot, Advocate

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Mahendra Patil, P.S.
Narela

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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27.05.2025

1. First Bail Application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the Applicant-Aditya @ Happy seeking Regular Bail in FIR bearing No. 0330/2020 registered under Sections 307/34/341/147/148 IPC read with Sections 25/27 of the Arms Act, 1959 at P.S. Narela.
2. It is submitted that the Applicant- Aditya @ Happy is in judicial custody since 06.08.2020. The co-accused Shubham @ Nakul has already been granted Regular Bail on 25.06.2021. The other co-accused Neeraj @ Sumit as well as Sunny have all been granted Interim Bail in 2021/2022.
3. The allegations in the FIR are that on 04.08.2020, at around 11.30 PM on Saboli Road near Narela Subzi Mandi, four boys on two bikes and one Santro car along with 4-5 boys came and allegedly started firing on the Complainant and his friends. Further, Accused Jitender, Nishant Khatri,



Shubham and Rohit were alleged to be sitting in the car and allegedly Jitender Khatri and Nishant Khatri had fired on the Complainant and his friends in the car. The present Applicant-Aditya and co-accused Vishu had fired from the motorcycle and ran away from the spot.

4. It is submitted that the Applicant- Aditya @ Happy is not keeping good health and is suffering from Tuberculosis and requires urgent medical attention.

5. He was granted Interim Bail for 15 days for treatment by the Ld. Trial Court *vide* Order dated 16.10.2024 where soon after expiry of Interim Bail, his treatment began and he took various tests and extension of bail was dismissed on 28.11.2024.

6. It is submitted that when he was granted Interim Bail, he has not misused his liberty to influence the witnesses and has surrendered on time. The Applicant- Aditya @ Happy is not a previous convict and is ready to abide by any terms and conditions on which, he may be granted Interim Bail.

7. ***The Status Report has been filed on behalf of the Respondent/State*** wherein it is submitted that the Charges have already been framed on 09.05.2024. Till now, one witness Sandeep has been examined, who has failed to support the case of the prosecution.

8. The Involvement Report is also submitted showing that the Applicant- Aditya @ Happy has been involved in three other cases *vide* FIR No.0166/2017 under Sections 195A/452/34 IPC, 0579/2018 and 0099/2019 both under Section 33 of the Delhi Excise Act, 2009. Another ***Kalandra*** proceedings have been initiated in the year 2021 against the Applicant- Aditya @ Happy.



9. ***Learned Additional Public Prosecutor*** for the State submitted that the second injured person has also been examined but he has also failed to support the case of the prosecution. However, two public witnesses still remain to be examined. *The Bail is accordingly opposed.*

10. **Submissions heard and record perused.**

11. The Applicant-Aditya @ Happy is in judicial custody since August, 2020. The two injured have also failed to support the case of the prosecution. All the other co-accused have been admitted to Bail. Considering the long incarceration and that the trial is still pending, the Applicant-Aditya @ Happy is admitted to Bail, on the following terms and conditions:-

- a) The Applicant/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Applicant/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Applicant/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Applicant/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Applicant/Accused changes their residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

12. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.



13. The above Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 27, 2025

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