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

+ **BAIL APPLN. 1211/2025**

VISHAL

.....Petitioner

Through: Mr. Ankit Tandon, Adv. (through vc)

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Aman Usman, APP for the State
with SI Dinesh Kumar, P.S.Nand
Nagri.

Mr. Vijay Kingar, Adv. for victim.
Victim is present in person.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

07.05.2025

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1. This is an application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed on behalf of the petitioner for grant of regular bail in case FIR No. 413/2020 under Section 307/120B/34 IPC & Section 25 and 27 of the Arms Act.
2. Learned counsel for the petitioner submits that petitioner is in custody for the last about 4 years and 10 months. All the material witnesses have already been examined. All other co-accused except the petitioner and co-accused Prashant have since been enlarged on bail. It is further submitted that injured Naresh Kumar is himself having criminal antecedents inasmuch as he is involved in five criminal cases.
3. The bail application has been opposed by learned APP for the State



submitting that it is the applicant who had caused gunshot injury to the injured Naresh, and as a result of which, he lost his eye sight and has become permanently disabled. He further submits that the applicant and co-accused Prashant had fired 5 shots upon the injured. Learned APP further submits that the applicant is involved in two more criminal cases. It is also submitted that the complainant and the injured are receiving threats from the co-accused persons, and already an application has been filed for cancellation of bail of one of the co-accused vide Crl. M.C. No. 9352/2024. It is thus stated that in case the applicant is granted bail, he may threaten or intimidate the complainant.

4. As per the prosecution version in the FIR, on 03.07.2020, 4-5 boys came in the park and one out of those boys, namely, Parmod asked for some water to drink, that the complainant's son Naresh brought water from inside and gave it to those boys in the park; that after giving water, a gunshot was heard and the complainant's son Naresh shouted "***bachao mujhe goli maar di mujhe bachao***"; that Naresh disclosed the names of Prashant, Jugnu, Vishal (applicant), Minto, Pramod and Laxmi (mother of the applicant) to the complaint, who fired gunshot upon him and that as soon as applicant reached there, all the boys left from there on their respective motorcycles. In the said incident, one of the associates of the applicant, namely Parmod also suffered gunshot injuries.

5. The role attributed to the present applicant is that he and co-accused Prashant caused gunshot injuries to the victim. As a result of such injuries, the victim has become permanently disabled having lost his eye sight.

6. The applicant cannot claim parity with co-accused persons granted bail inasmuch as their role is not of causing gunshot injuries. The applicant



is stated to be involved in two more criminal cases and if the complainant is to be believed, he is already receiving threats from the other co-accused persons. Under these circumstances, the possibility that upon being released on bail, the applicant may threaten or intimidate the complainant/victim, cannot be ruled out.

7. Admittedly, the applicant is in custody for a long period, but he cannot be granted bail solely on this ground, particularly, in view of the fact that the case is at the fag end as 15 witnesses out of 17 witnesses have already been examined and only two formal witnesses i.e doctors need to be examined.

8. Hence considering the entirety of facts and circumstances and the nature and gravity of allegations, I am not inclined to grant bail to the applicant/accused. The application is therefore dismissed. However, it is expected that trial court shall make best possible endeavour to dispose of the case expeditiously.

9. Copy of this order be sent to the trial court for information and necessary compliance.

RAVINDER DUDEJA, J

MAY 7, 2025/ib