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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 1409/2025 & CRL.M.A. 10978/2025

KULDEEP SINGH

.....Applicant

Through: Mr. Gopal Tyagi, Mr.
Himanshu Kaushik and
Mr. Yugansh Sharma,
Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Mahesh Kumawat, PS
Bhalswa Dairy, Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

23.07.2025

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1. By the present bail application, the applicant seeks regular bail in FIR No. 327/2024 dated 05.04.2024, registered at Police Station Bhalswa Dairy, for offences under Sections 323/341/506/427/336/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

2. It is alleged that on 04.04.2024, at around 11:45 PM near Bhalswa Dairy, when the victim/complainant was going back home, one car bearing No. DL8CBG1069 came in from the victim's car and blocked him from the front. It is alleged that when the victim stopped his car, three persons came out of the other car and started hitting him. Allegedly, one of the said persons punched the victim in the face and the other two broke the glass of the victim's car. It is further alleged that one of the assailants also fired a gunshot at the rear window of the victim's car. In his statement that led to the registration of the FIR, the victim stated that he would be able to identity the accused



persons on seeing them.

3. It is the case of the prosecution that the shot was fired by the applicant at the instance of co-accused Ritik as his weapon did not work at that time.

4. The learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case.

5. He submits that the applicant was admittedly known to the victim, despite which, he was not named in the FIR. He further submits that the applicant has been in custody since 07.04.2024 and the other co-accused persons have already been enlarged on bail.

6. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant on account of the gravity of the allegations. He further states that the applicant has multiple criminal involvements.

7. I have heard the counsel and perused the record.

8. It is alleged that the applicant gave beatings to the victim and fired a shot at the rear window of the victim's vehicle.

9. It is not disputed that the victim had not named the applicant at the time when the complaint was given to the Police, which led to registration of the FIR. The applicant's name was taken by the victim when his supplementary statement under Section 161 of the Code of Criminal Procedure, 1973 was recorded on 07.04.2024.

10. In his supplementary statement, the victim mentioned that he knew the assailants, including the applicant, and co-accused Ritik had enmity with his family. The victim further stated that he had not given the statement properly on the previous occasion



out of nervousness.

11. The victim had stated in his complaint that he did not know the assailants and can identify them on seeing them but later named them in the supplementary statement.

12. While the veracity of any explanation for not naming the applicant will be seen during the course of the trial, at this stage, the benefit of the said fact cannot be denied to the applicant.

13. Chargesheet has already been filed and the investigation is complete. The applicant was arrested on 07.04.2024 and he is in custody since then. The status report mentions that fifteen prosecution witnesses have been cited by the prosecution, who are yet to be examined. In such circumstances, speedy trial seems to be improbable.

14. It is also relevant to note that the other co-accused have already been enlarged on bail.

15. Even though it is stated that the applicant is involved in multiple cases, however, it is settled law that criminal antecedents of an accused cannot be the sole basis for refusal of bail [Ref. ***Prabhakar Tewari v. State of U.P. : (2020) 11 SCC 648***]. The applicant is stated to be on bail in other cases.

16. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;



- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall, upon his release, furnish a proof of residence where he shall reside, which should be at least 5 KM far from the locality where the victim resides, subject to the satisfaction of the IO/SHO. The applicant shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

17. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

18. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

19. The bail application is allowed in the aforementioned terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

JULY 23, 2025

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