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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 1451/2025

SUNIL DAHIYA

.....Applicant

Through: Mr. Mukesh Kalia, Mr.
Sanjeev Kumar, Mr. Rohit
Dahiya & Mr. Dishak
Rana, Advs.

versus

THE STATE (NCT OF DELHI)Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State.
Insp. Rajesh Verma, PS
Narela.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

11.07.2025

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1. The present application is filed seeking regular bail in FIR No. 644/2024 dated 30.09.2024, registered at Police Station Narela for the offences under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 ('**BNS**') and Sections 25/27 of the Arms Act, 1959.

2. The brief facts of the case are that on the intervening night of 29-30.09.2024, a DD No. 7A was received in relation to one person namely Sunil @ Monu (hereafter '**the deceased**') who had sustained a gunshot injury and was declared brought dead. During the course of investigation, the eyewitness, one Pradeep Kumar stated that his nephew namely Ankur Gulia had called him and had complained that the applicant was making some obscene gestures in front of their house. It is stated that the applicant was the friend of Pradeep Kumar's niece Radhika Gulia. It is alleged that the applicant was forcing Radhika to



marry him and that the said marriage proposal was turned down by Radhika and her family members. It is alleged that in the evening of 29.09.2024, the applicant went in front of Radhika's house and made some inappropriate gestures. Thereafter, some persons including Pradeep Kumar, Ankur Gulia, Ankit, Praveen, Devender, and the deceased decided to visit the house of the applicant to discuss the matter with him. It is alleged that firstly, three of them being Ankur Gulai, Rakesh and the deceased went to the office of Praveen Lakra where the applicant usually visits to discuss the matter with the applicant. It is alleged that the applicant was not found at the office of Praveen Lakra. Thereafter, the said persons visited the house of the applicant.

3. It is alleged that when the said persons reached the house of the applicant, they banged the main gate of the applicant's house, however, no one opened the gate. Thereafter, two boys namely Naveen Khatri and Dozi came on a motorcycle and fired on the deceased. At that time, the applicant was in his house.

4. It is alleged that during the course of interrogation, the applicant allegedly confessed to the crime. The applicant allegedly disclosed that he had called his friend Naveen Khatri/one of the assailants to his house and had handed over a pistol to him and had allegedly asked the assailants to kill those who tried to enter his house.

5. Further, during the course of the investigation, CCTV footage of the cameras installed at the house of the applicant were analysed. It was seen that some persons being Pradeep Kumar, Ankur Gulia, Devender, the deceased and his friends had visited the house of the applicant in two cars. The said persons were seen shouting/abusing and hitting the main gate of the house of the applicant. Thereafter, the assailants were seen



reaching the spot on a motorcycle and firing shots at the deceased. The assailants were also seen hitting the deceased on his head with a stick. Thereafter, the assailants fled the spot. The CDR analysis of the mobile numbers revealed that the accused persons and the witnesses were present at the spot when the incident took place.

6. The applicant was arrested on 01.10.2024 and has been in custody since then.

7. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that the ingredients of the offence under Section 103 of the BNS are not *prima facie* made out against the applicant. He submits that there are several loopholes in the story of the prosecution which casts a doubt on the veracity of the prosecution's case.

8. He submits that the statement of the eye witness Pradeep Kumar was lodged after a delay of 1 day. He submits that the alleged eye witness Pradeep Kumar stated that the applicant used to pressurise Radhika for marriage, yet no complaint was ever made by Radhika or her family members. He submits that the said persons had visited the house of the applicant with an intention to commit murder. He submits that the same is evident from the fact that the said persons firstly visited the office of Praveen Lakra, and upon not finding the applicant, they mercilessly inflicted beatings on the two servants who were present there in respect of which a cross FIR No. 648/2024 had also been filed.

9. He submits that the CCTV footage of the cameras installed at the house of the applicant reveals that the said persons along with the deceased had visited the house of the applicant and were



armed. He submits that the CCTV footage further reveals that the said persons were banging the main gate of the applicant's house. He submits that the applicant was present in the house with his family members. He submits that the applicant's brother had also sought assistance from the police, however, no help was received.

10. He submits that it is the prosecution's own case that when the said persons had reached the house of the applicant, he did not come outside the house. He submits that no overt act was ever done by the applicant for the commission of the alleged offence to have been attributed to him. He submits that even if it were to be assumed that the assailants were known to the applicant, yet *prima facie*, the ingredients of Section 103 of the BNS are not made out against the applicant. He submits that the chargesheet has already been filed in the present case and the investigation is complete. He consequently prays that the applicant be admitted on bail.

11. *Per contra*, the learned Additional Public Prosecutor vehemently opposes the grant of any relief to the applicant. He submits that the allegations against the applicant are serious in nature. He submits that the applicant handed over his pistol to the assailants with which the deceased was shot. He submits that the applicant in connivance with the other assailants caused the death of the deceased. He submits that the charges are yet to be framed in the present case. He submits that considering the gravity of the allegations, the applicant ought not to be granted the relief of bail.

12. I have heard the counsel and perused the material on record.

13. It is settled law that the Court, while considering the



application for grant of bail, ~~has to~~ keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

14. In the present case, it is alleged that the applicant in connivance with the assailants caused the death of the deceased. The allegation against the applicant at this stage is that the applicant was the one who provided a pistol to the assailants which was used to commit the said offence.

15. From a perusal of the material on record, it is borne out that the deceased along with other persons came to the applicant's house and were seen hitting the main gate of the house of the applicant and also shouting and abusing the applicant. Thereafter, as per the case of the prosecution, the assailants arrived on spot and fired on the deceased. The learned counsel for the applicant stated that police assistance was sought and a complaint was also given by the brother of the applicant, however no assistance was received from the police.

16. While the strength and veracity of the case of the prosecution would be tested during the course of trial, at this stage, it is not the case of the prosecution that the applicant was the one who had inflicted any gunshot injury on the deceased. A perusal of the material on record reveals that the applicant was lodged in his house at the time when the incident took place. Whether the applicant was complicit in the commission of the alleged offence or not would be examined during the course of the course of trial, however, considering the nature of evidence



presented at this stage, this Court is of the opinion that the applicant has *prima facie* made out a case for grant of bail.

17. The applicant is in custody since 01.10.2024. It is pertinent to note that the investigation is complete and that the chargesheet has already been filed in the present case. Further, any apprehension in relation to tampering of evidence or threatening of witnesses can be allayed by imposing appropriate conditions.

18. 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 boundaries of the country without the permission of the Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and 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.

19. 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.

20. It is clarified that any observation 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.

21. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JULY 11, 2025